

COUNTY COURT, ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

PLEA OF GUILTY or NO CONTEST

Case NO- \_\_\_\_\_

TO A CRIMINAL CHARGE IN COUNTY COURT

Citation NO \_\_\_\_\_

VS

FILED IN OPEN COURT THIS

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Tiffany Moore Russell, Orange County Clerk of Courts

BY \_\_\_\_\_ D.C.

\_\_\_\_\_  
(Please Print Name)

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 desire to give up the following rights and plea GUILTY or NO CONTEST to the charge (s) before the Judge. **By pleading Guilty or No Contest, I swear under oath before the Judge that I have read and understand the rights and consequences of entering a plea of Guilty or No Contest contained on this form and I wish to give up the below listed rights and have the Judge impose the sentence to which I agree to in open court:**

**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 proven guilty beyond a reasonable doubt;
6. The right to confront and cross examine the witness and evidence 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 court proceedings;
11. The right to appeal any harmful error to a higher court; and
12. The maximum and minimum sentences listed on the reverse side of this document or as I have been advised. (A First Degree Misdemeanor is punishable by up to 1 year in jail, 1 year of probation, and \$1,000 in fines, and a Second Degree Misdemeanor is punishable by up to 60 days in jail, 6 months of probation and \$500 in fines.) (See reverse side for specific DUI Penalties.)

**I ADDITIONALLY UNDERSTAND AND AGREE THAT:**

13. If I am unrepresented by an attorney, I hereby waive my right to consult with an attorney or to have one appointed for the plea and sentencing in this case. I fully understand there are dangers and disadvantages of representing myself and that by not obtaining the assistance of counsel I might be accepting a plea to a charge that could otherwise have been successfully challenged and I recognize that a lawyer might have helped me obtain a better plea offer.
14. I am not under the influence of any alcohol or drugs at this time and fully understand the Judge's instruction, and what my rights are. I am entering my plea free of any promises or threats other than any plea offers made in open Court.
15. I have thirty (30) days to file a written appeal of the judgment and sentence imposed with the Clerk of the Court. I further understand that I have the right to have an attorney appointed for the appeal if I cannot afford one.
16. By entering this plea of Guilty or No Contest here today, I may be subjected to greater penalties if I am ever convicted again. If the current offense is a traffic offense, I may be declared a Habitual Traffic Offender.
17. If I am not a U.S citizen, I understand that as a result of entering a plea of Guilty or No Contest here today, I will be subjected to deportation proceedings.
18. If I am on probation in another case, by entering a plea of Guilty or No Contest in the current case, the current plea will be used to prove a violation of probation against me.
19. By entering a plea of Guilty or No Contest prior to trial, I am giving up the opportunity to challenge the admissibility of any evidence against me and any opportunity to have the case dismissed.
20. If the charge to which I am pleading is a sexually violent or sexually motivated offense or if I have been previously convicted of such an offense, my plea may subject me to involuntary civil commitment as a sexually violent predator upon the completion of my sentence.

ATTORNEY \_\_\_\_\_ DEFENDANT \_\_\_\_\_  
(PLEASE SIGN) (PLEASE SIGN NAME)

BAR NUMBER: \_\_\_\_\_ ADDRESS \_\_\_\_\_

L. Thumbprint / R. Thumbprint

Sworn to by the above-named Defendant before me on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ 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 Not Contest, and who has hereby made an informed and voluntary waiver of the rights described above.

COUNTY JUDGE \_\_\_\_\_ Div \_\_\_\_\_

**1. DUI – DRIVING UNDER THE INFLUENCE, 316.193 F.S.:**

**CONVICTION** –Mandatory in all cases

**PROBATION** –Mandatory up to 365 days in all cases

FINE	<u>BAL. under .15</u>		<u>BAL. .15 or Greater or Accompanied by Minor</u>	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
1 <sup>st</sup> Offense	\$ 500	\$1000	\$1000	\$2000
2 <sup>nd</sup> Offense	1000	2000	2000	4000
3 <sup>rd</sup> Offense	2000	5000	4000	5000
4 <sup>th</sup> Offense (Felony)				
<b>JAIL</b>				
1 <sup>st</sup> Offense		0-180 days incarceration		0-270 days incarceration
2 <sup>nd</sup> Offense not w/in 5 years of 1 <sup>st</sup> conviction		0-270 days incarceration		0-365 days incarceration
2 <sup>nd</sup> Offense w/in 5 years of 1 <sup>st</sup> conviction		10-270 days incarceration		10-365 days incarceration
3 <sup>rd</sup> Offense not w/in 10 years of 2 <sup>nd</sup> conviction		0-365 days incarceration		0-365 days incarceration
3 <sup>rd</sup> Offense w/in 10 years of 2 <sup>nd</sup> conviction		30-365 days incarceration		30-365 days incarceration
4 <sup>th</sup> Offense (Felony)		Up to 5 years in State Prison		Up to 5 years in State Prison
<b>IGNITION INTERLOCK DEVICE</b>				
1 <sup>st</sup> Offense		N/A		180 days minimum
2 <sup>nd</sup> Offense		1 year minimum		2 years minimum
3 <sup>rd</sup> Offense		2 years minimum		2 years minimum
4 <sup>th</sup> Offense not w/in 10 years of 3 <sup>rd</sup> conviction		N/A		N/A
4 <sup>th</sup> Offense w/in 10 years of 3 <sup>rd</sup> conviction		2 years minimum		N/A
<b>VEHICLE IMPOUND OR IMMOBILIZATION</b>				
1 <sup>st</sup> Offense		10 days		
2 <sup>nd</sup> Offense not w/in 5 years of 1 <sup>st</sup> conviction		10 days		
2 <sup>nd</sup> Offense w/in 5 years of 1 <sup>st</sup> conviction		30 days		
3 <sup>rd</sup> Offense not w/in 10 years of 2 <sup>nd</sup> conviction		10 days		
3 <sup>rd</sup> Offense w/in 10 years of 2 <sup>nd</sup> conviction		90 days		
4 <sup>th</sup> Offense				
<b>DRIVER'S LICENSE ACTION</b>				
		<b>MINIMUM</b>		<b>MAXIMUM</b>
1 <sup>st</sup> Offense		180 day revocation		1 year revocation
2 <sup>nd</sup> Offense not w/in 5 years of 1 <sup>st</sup> conviction		180 day revocation		1 year revocation
2 <sup>nd</sup> Offense w/in 5 years of 1 <sup>st</sup> conviction		5 year revocation		
3 <sup>rd</sup> Offense not w/in 10 years of 2 <sup>nd</sup> conviction				
3 <sup>rd</sup> Offense w/in 10 years of 2 <sup>nd</sup> conviction		10 year revocation		
4 <sup>th</sup> Offense (Felony)		permanent revocation		

**CLASSES**

DUI Counter Attack Class (DUICAS) Level I -First Offender or Level II- all other offenders (Mandatory)

State Approved driver training, substance abuse education course, substance abuse evaluation and treatment if recommended

Victim Awareness-Irresponsible driving impact on the community, victims and families- (May be Court ordered)

**COMMUNITY SERVICE**

50 Hours Minimum (First offenders)

**2. DUI CAUSING DAMAGE TO PERSON OR PROPERTY OF ANOTHER (SAME AS DUI/DUI Enhanced)**

**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 scene
- Failure to sign citation (traffic ticket)
- Leaving the scene of accident with vehicle or property damage (6 points if adjudication and more than \$50.00 damage)
- Making a false accident report
- Driving while license suspended, revoked or canceled (1<sup>st</sup> 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

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

- License tag offenses relating to vehicle manufactures, dealers, distributors and others in the business of dealing in vehicles
- Driving while license suspended, revoked or canceled (2<sup>nd</sup> conviction provided revocation is not as habitual traffic offender)

**5. WILLFUL AND WANTON RECKLESS DRIVING-316.192 F.S.**

- 1<sup>ST</sup> Offense: (4 points if adjudication)  
FINE: Minimum \$25 to Maximum \$500 JAIL: Minimum 0 days to Maximum 90 days
- 2<sup>nd</sup> Offense or more  
FINE: Minimum \$50 to Maximum \$1000 JAIL: Minimum 0 days to Maximum 180 days

**6. CONVICTION OF ANY THREE OF THE FOLLOWING CRIMES WITHIN A 5-YEAR PERIOD WILL RESULT IN A 5-YEAR DRIVER'S LICENSE REVOCATION AS A HABITUAL TRAFFIC OFFENDER**

- Driving while under the influence of alcohol
- Driving while license suspended or revoked
- Failing to stop and render aid and leaving the scene of an accident resulting in death or personal injury
- Driving a commercial vehicle while the driver's privilege is disqualified
- Commission of any felony in which a motor vehicle is used
- Manslaughter resulting from the operation of a motor vehicle