

IN THE COUNTY COURT OF THE FOURTH JUDICIAL
CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:

STATE OF FLORIDA

DIVISION:

VS.

PLEA OF GUILTY or NO CONTEST
Driving Under the Influence

I hereby enter my plea of () guilty or () no contest for the reason that I am guilty or that it is in my best interest. Before entering such plea, I was advised that I have been charged with **Driving Under the Influence** of Alcoholic Beverages, any chemical substance set forth in Florida Statutes 877.111, or any substance controlled under Chapter 893 when affected to the extent that my normal faculties were impaired, contrary to Florida Statutes 316.193, and the range of allowable punishments thereunder. I understand that under Florida law DUI is one offense, proven by impairment of normal faculties or an unlawful blood-alcohol level of .08 or above or a breath-alcohol level of .08 or above. The penalties upon conviction are the same, regardless of the manner in which the offense is proven.

ADVISEMENT OF RIGHTS

I understand that by entering a plea of guilty or no contest to the charge(s) I am giving up the following rights:

- A. The right to a trial by jury;
- B. The right to have the assistance of a lawyer;
- C. The right to compel the attendance of witnesses on my behalf;
- D. The right to confront and cross-examine any witnesses who testify against me;
- E. The right to remain silent (that during the trial I could not be compelled to incriminate myself);
- F. The right to require the State to prove my guilt beyond a reasonable doubt;
- G. The right to appeal all matters relating to the judgement in this case, including the issue of guilt or innocence; and
- H. That if I am not a United States Citizen, this plea may subject me to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service.

FREE AND VOLUNTARY

My plea of guilty or no contest is freely and voluntarily entered. I have not been offered any hope of reward, better treatment, or certain type of sentence to get me to enter my plea of guilty or no contest, nor have I been threatened, coerced or intimidated in any way to get me to plead guilty or no contest.

WAIVER OF RIGHT TO COUNSEL (If applicable)

I have been advised that I have a right to have an attorney present with me during all stages of these proceedings. I have been advised by the Court and understand that if I desire to have an attorney, and if I am financially unable to employ or retain an attorney to represent me, one will be appointed for me by the Court, without cost or obligation on my part at this time. I understand that I am waiving my right to a court appointed attorney and request that I be allowed to represent myself.

I understand that the Judge may impose any legal sentence the Judge considers appropriate within the following statutory maximum and minimum sentences.

MAXIMUM AND MINIMUM SENTENCES FOR DUI

1. FINE SCHEDULE

- A. First Conviction:** Not less than \$250.00, or more than \$500.00, plus all mandatory fees and court costs. With Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not less than \$500.00, or more than \$1,000.00, plus all mandatory fees and court costs.
- B. Second Conviction:** Not less than \$500.00, or more than \$1,000.00, plus all mandatory fees and court costs. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not less than \$1,000.00, or more than \$2,000.00, plus all mandatory fees and court costs.
- C. Third Conviction:** Not less than \$1,000.00, or more than \$2,500.00, plus all mandatory fees and court costs. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not less than \$2,000.00, or more than \$5,000.00, plus all mandatory fees and court costs.
- D. Third Conviction Within 10 Years (Third Degree Felony):** Not more than \$5,000.00, plus all mandatory fees and court costs. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not less than \$2,000.00, plus all mandatory fees and court costs.
- E. Fourth or Subsequent Conviction (Third Degree Felony):** Not less than \$1,000.00, plus all mandatory fees and court costs. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not less than \$2,000.00, plus all mandatory fees and court costs.

2. COMMUNITY SERVICE

First Conviction: Mandatory 50 hours of community service.

3. PROBATION

All persons convicted of DUI are placed on monthly reporting probation, not to exceed one year.

4. IMPRISONMENT

- A. First Conviction:** Not more than six (6) months. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not more than nine (9) months.
- B. Second Conviction:** Not more than nine (9) months. With a Blood or Breath Alcohol Level (BAL) of .20 or higher or if accompanied in the vehicle by a person under the age of 18 years: Not more than twelve (12) months. A second conviction for an offense that occurs within five (5) years: Mandatory imprisonment of not less than ten (10) days. (At least 48 hours of confinement must be consecutive.)
- C. Third Conviction:** If third conviction within 10 years, mandatory requirement of at least 30 days. At least 48 hours of confinement must be consecutive. If third conviction more than 10 years, imprisonment of not more than 12 months.
- D. Fourth or Subsequent Conviction:** Not more than 5 years or as provided in 775.084 as habitual/violent offender.

5. DUI MISDEMEANOR CONVICTION: (Accident Involving Property Damage or Personal Injury)

Any person who causes property damage or personal injury to another while driving under the influence is guilty of a First Degree Misdemeanor: Not more than \$1,000.00 fine and/or one (1) year imprisonment.

6. DUI Felony CONVICTION: (Repeat Offenders or Accidents Involving Serious Body Injury)

- A.** I understand that any person convicted of a third DUI within 10 years or a fourth or subsequent DUI commits a Third Degree Felony: Not more than \$5,000.00 fine and/or 5 years imprisonment.
- B.** I understand that any person who causes serious bodily injury to another while driving under the influence is guilty of a Third Degree Felony: Not more than \$5,000.00 fine and/or 5 years imprisonment.

7. DRIVER LICENSE REVOCATION PERIODS

- A. First Conviction:** Minimum 180 days revocation up to a maximum of one (1) year.
- B. Second Conviction Within Five Years of Prior Conviction:** Minimum five (5) years revocation. Other second offenders (with previous conviction more than five (5) years ago) same as "A" above.
- C. Third Conviction Within Ten Years of Conviction for First DUI:** Minimum ten (10) years revocation. Other third offenders (with prior convictions more than ten (10) years ago) same as "A" above. One conviction more than ten (10) years ago and one within five (5) years same as "B" above.
- D. Fourth Conviction, Regardless of When Prior Conviction Occurred:** Mandatory permanent revocation.

8. DUI SCHOOL REQUIREMENTS

- A. First Conviction:** Must complete DUI school before hardship reinstatement.
- B. Second Conviction in Five Years (Five Year Revocation) or Third Conviction in Ten Years (Ten Year Revocation):** Driver must complete Advanced DUI school following conviction.

9. IMPOUNDMENT - IMMOBILIZATION

- A. First Conviction:** Ten (10) days.
- B. Second Conviction within Five Years:** Thirty (30) days.
- C. Third Conviction within ten (10) Years:** Ninety (90) days.

10. ADJUDICATION AND SENTENCING

I understand the Court is prohibited from suspending, deferring, or withholding any of the mandatory sentences, as listed.

DISCUSSION WITH ATTORNEY (if applicable)

Before I pled guilty or no contest, my attorney and I fully discussed all aspects of this case. My attorney thoroughly explained the charges against me, my constitutional rights, and answered all of my questions. My attorney and I have read this plea of guilty or no contest form together in private – and my attorney explained all parts of it to my complete understanding. I am satisfied with the services of my attorney in this case and my attorney has done everything that I requested of my attorney in assisting me.

READ AND EXPLAINED BY JUDGE IN OPEN COURT

The Judge of this Court asked me if I understood this plea of guilty or no contest form in open court and explained any questions that I may have had. The Judge of this Court asked me if I wanted to plead guilty or no contest and give up these rights. I told the judge I understood the contents of this form, understood my rights and wanted to plead guilty or no contest to this charge.

TIME FOR CONSIDERATION AND REFLECTION

I have had sufficient time to consider the charge against me, the possible defenses, the waiver of constitutional rights by entering my plea of guilty or no contest, and to reflect upon the consequences of my plea. I understand I may have additional time to consider all of these matters if I want more time for such consideration. I acknowledge that I do not need more time and that I want to proceed with my guilty or no contest plea at this time.

NOT UNDER INFLUENCE OF ANY SUBSTANCE OR CONDITION

I am not under the influence of any medication, drug, substance or condition which interferes with my understanding and appreciation of this plea and the consequences of it.

PLEA TRUE AND CORRECT AND UNDERSTOOD

I have read and fully understand this plea of guilty or no contest form. Everything stated on the form is true and correct. I have no questions pertaining to it. I am entering this plea of guilty or no contest because I am guilty of the offense or feel that it is in my best interest to do so.

I have signed this statement of guilty or no contest plea and explanation of my rights in open court.

APPEAL

The Court has also advised me if I would like to appeal this sentence I have 30 days from today in which to file an appeal and if I cannot afford to hire an attorney, the Office of the Public Defender would be appointed to represent me.

DEFENDANT

ASSISTANT STATE ATTORNEY

ATTORNEY FOR DEFENDANT (if applicable)

JUDGE

DATE

My signature as Judge of this Court is certification I have gone over this plea form with defendant in open court and have asked the defendant questions, heard the responses and observed the defendant's demeanor. I find the defendant has the intelligence to understand his/her constitutional rights, the plea, the plea form and these proceedings. I further find the plea has been entered voluntarily and freely and the defendant is not under the influence of any medication, drug, substance or condition that would interfere with the defendant's understanding and appreciation of the plea and the consequences of it. I have also read the arrest docket in this case and find there is a sufficient factual basis to support the entry and acceptance of this plea.