

**MISTY R. WEED, Appellant, v. STATE OF FLORIDA, Appellee.
COURT OF APPEAL OF FLORIDA, FIRST DISTRICT
2020 Fla. App. LEXIS 10567
No. 1D19-4255
July 23, 2020, Decided**

Notice:

DECISION WITHOUT PUBLISHED OPINION

**NOT FINAL UNTIL DISPOSITION OF ANY TIMELY AND AUTHORIZED MOTION UNDER FLA. R.
APP. P. 9.330 OR 9.331.**

Editorial Information: Prior History

On appeal from the Circuit Court for Baker County. Mark W. Moseley, Judge.

Counsel Misty R. Weed, Pro se, Appellant.
Ashley Moody, Attorney General, and Jennifer J. Moore, Assistant Attorney General,
Tallahassee, for Appellee.

Judges: RAY, C.J., and JAY and LONG, JJ., concur.

Opinion

Per Curiam.

Affirmed.

Ray, C.J., and Jay and Long, JJ., concur.

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

September 10, 2020

CASE NO.: 1D19-4255
L.T. No.: 02-2004-CF-000500-A

Misty R. Weed

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's motion docketed August 10, 2020, for rehearing and written opinion is denied.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

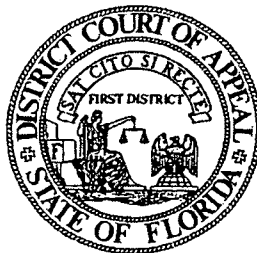
Served:

Hon. Ashley Moody, AG
Misty R. Weed

Jennifer J. Moore, AAG

th


KRISTINA SAMUELS, CLERK



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

CASE NO.: 02-2004-CF-000500-A

vs.

MISTY R. WEED,

Defendant.

ORDER DENYING MOTION FOR POST-CONVICTION RELIEF

THIS CAUSE comes before the Court upon Defendant's timely *pro se* "Motion for Post-Conviction Relief; Evidentiary Hearing; and Appointment of Conflict Free Counsel," filed August 9, 2019,¹ pursuant to Fla. R. Crim. P. 3.850. This Court granted Defendant's motion to amend her motion. On September 13, 2019, Defendant filed an "Amended Ground on Post-Conviction Relief Motion," which shall be construed as an amendment only as to ground one of Defendant's motion. Upon consideration of the motion,² the amendment to ground one, and the record, this Court finds and concludes as follows:

1. On October 12, 2006, Defendant entered a plea of *nolo contendere* to Robbery (lesser included offense). See Petition to Enter Plea; Information; Arrest Report. Disposition was continued until a later date. On November 16, 2006, following a disposition hearing, the court sentenced Defendant to 4 years imprisonment in the Department of Corrections, followed by 6 years probation. See Judgment and Sentence.

¹ Defendant's motion is timely filed within the Fla. R. Crim. P. 3.850(b) time limitation pursuant to the "mailbox rule."

² It appears that some pages of Defendant's "Memorandum of Law," intended to be attached at the end of the motion, were inadvertently scanned within the body of the motion. Since the motion is typed and the memorandum of law is handwritten, this Court can easily determine the intended sequence of pages.

On August 24, 2010, Defendant entered a negotiated plea of admission of violation of probation. After a disposition hearing, the court modified Defendant's probation to include 2 years of community control, with electronic monitoring, but did not modify the termination date of Defendant's probation. *See* Order of Modification of Probation; Stipulation to Clarify Order of Modification.

On March 17, 2015, Defendant entered an open plea of admission to violation of probation. After a disposition hearing, the court revoked her probation and imposed a term of 2 years drug offender probation. *See* Order of Revocation; Order of Drug Offender Probation.

On August 16, 2016, Defendant entered an open plea of admission to violation of probation in the above-captioned case. *See* Petition to Enter Plea of Admission. After a disposition hearing, the court revoked Defendant's probation and resentenced her to 15 years imprisonment in the Department of Corrections with credit for prior jail and prison time served. *See* Order of Revocation of Probation. Defendant appealed, and the First District Court of Appeal *per curiam* affirmed her judgment and sentence. *See Weed v. State*, 228 So. 3d 560 (Fla. 1st DCA 2017) (table decision).

2. In the instant motion, Defendant alleges the following grounds for relief:
 - (I) Defendant's sentence violates the constitutional right to be protected from double jeopardy;
 - (II) Defendant's constitutional right to effective assistance of counsel was violated;
 - (III) Ineffective assistance of counsel for counsel's misadvice regarding the sentence she would receive following an open plea of admission;

- (IV) Ineffective assistance of counsel for counsel's failure to argue that Defendant's time served in jail, prison, probation, and the new sentence exceeded the statutory maximum sentence available;
- (V) Ineffective assistance of counsel for counsel's failure to argue that the sentencing court lacked authority to resentence her to 15 years incarceration;
- (VI) The trial court lacked the authority to resentence the Defendant to 15 years incarceration;
- (VII) The trial court abused its discretion when it dismissed Defendant's motion to withdraw plea without holding a hearing;
- (VIII) The trial court abused its discretion by resentencing Defendant instead of continuing or modifying probation;
- (IX) The trial court abused its discretion when it failed to order a new hearing and appoint conflict-free counsel when the public defender was discharged from Defendant's representation; and
- (X) Defendant qualified for the alternative sanctioning program, and should have been sentenced according to her low to moderate risk violations.

3. In order to make out a prima facie case for ineffective assistance of counsel relating to plea agreements, a defendant must show that counsel's performance fell below the prevailing standards of professionalism, and that there is a reasonable probability that, but for counsel's errors, defendant would not have entered a plea, and instead would have insisted on going to trial.

Strickland v. Washington, 466 U.S. 668, 691-92 (1984); *Long v. State*, 118 So.3d 798, 803 (Fla. 2013) (citing *Hill v. Lockhart*, 474 U.S. 52, 58–59, 106 S.Ct. 366 (1985)); *see also Lynch v. State*, 2 So.3d 47, 56–57 (Fla. 2008). “Counsel’s effectiveness is determined according to the totality of the circumstances.” *Long*, 118 So.3d at 803 (citing *Strickland*, 466 U.S. at 681, 104 S.Ct. 2052). “Unless a defendant makes both showings, it cannot be said that the conviction or sentence resulted from a breakdown of the adversary process that renders the result unreliable.” *Id.*

4. In support of Ground I, Defendant argues that her constitutional rights were violated because she was resentenced twice for a crime for which she was already sentenced, thus violating double jeopardy provisions. Defendant’s argument is really a claim that her imposed sentence is illegal. *See Fla. R. Crim. P. 3.800(a)*. A trial court has the authority to “revoke, modify, or continue the probation or community control or place the probationer into a community control program” *Nadzo v. State*, 24 So. 3d 690, 692 (Fla. 2d DCA 2009) (quoting *Cowart v. State*, 860 So. 2d 1041, 1042 (Fla. 5th DCA 2003)). In addition to the trial court’s authority to modify the terms and conditions of probation, the trial court may also extend the probationary period “upon notice of the alleged violation, a hearing, and proof that the defendant has violated the terms and conditions of probation.” *Perez v. State*, 884 So. 2d 306, 308 (Fla. 2d DCA 2004) (citing *Clark v. State*, 579 So. 2d 109 (Fla. 1991)); § 948.06, Fla. Stat. (2010). Such modifications and revocations of Defendant’s probation does not implicate the double jeopardy clause. “A probation revocation is a deferred sentencing for a *previously-committed offense*.” *State v. Daniels*, 780 So. 2d 148, 149 (Fla. 2d DCA 2000) (citing *Green v. State*, 463 So. 2d 1139 (Fla. 1985)).

Defendant argues that she should have been recommitted to the remainder of her probationary period, because she only had ten months left in service of her original sentence.

However, following the revocation of probation, “the court was free to impose any sentence it may have originally imposed before placing [Defendant] on probation.” *Mearns v. State*, 779 So. 2d 282, 283 (Fla. 2d DCA 1998). “[O]ne who has been sentenced to a period of incarceration and then given a period of probation may, upon revocation of probation, be resentenced to any term which might have originally been imposed, regardless of whether the term of the second sentence exceeds that of the first.” *State v. Payne*, 404 So. 2d 1055, 1056-57 (Fla. 1981). Defendant entered a plea of admission to the offense of robbery, a second-degree felony. Fifteen years is the statutory maximum available for a second-degree felony. § 775.082, Fla. Stat. (2016). With respect to the credit Defendant is entitled to against her newly-imposed sentence of incarceration, following revocation of probation, she is entitled to credit for all time previously served on her sentence in jail and prison. *See Scharman v. Crews*, 123 So. 3d 147, 148 (Fla. 1st DCA 2013). However, a defendant is not entitled to credit for time spent on the probationary or community control portion of a split sentence against a newly-imposed sentence of imprisonment, even if the combined total of the new period of imprisonment and the time served on probation or community control exceeds the statutory maximum of the charged offense. *See Young v. State*, 697 So. 2d 75 (Fla. 1997); *see also, Gordon v. State*, 268 So. 3d 915, 917 (Fla. 1st DCA 2019) (“After supervision is revoked and a prison sentence is imposed, a defendant is not entitled to credit against his prison sentence for time previously spent on supervision for the same offense.”). Accordingly, Defendant’s sentence is a legal sentence.

5. In support of Ground II, Defendant argues that her right to effective assistance of counsel was violated. Specifically, Defendant argues that the trial court erred by dismissing the motion to withdraw plea filed by counsel and discharging the office of the public defender from

further representation in her case. Such a claim is not cognizable in a rule 3.850 motion. However, a review of the record demonstrates that the motion to withdraw plea was dismissed, because prior to the motion being filed, Defendant filed a *pro se* motion alleging ineffective assistance of counsel, thus resulting in a conflict of interest. *See* Order Dismissing Motion to Withdraw Plea; and, Discharging the Office of the Public Defender. The court addressed the claims raised in Defendant's motion, construing it as a rule 3.170(l) motion, and the claims averred in counsel's motion to withdraw plea, and found Defendant was not entitled to relief. *See* Order Denying Motion for Post-Conviction Relief.³ Defendant was advised that she could appeal the decision to the First District Court of Appeal. *Id.* Accordingly, this claim is raised without merit.

6. In support of Ground III, Defendant argues that she was misled by counsel to believe that she would not be sentenced to more than 5 years imprisonment in the Department of Corrections. Defendant argues that if she had not entered a plea of admission, she would have had her probation continued and would not have been sentenced to prison. Defendant's claim is refuted by the record. During the plea colloquy, Defendant affirmed that although she disputed some of the allegations of violation, she did admit to testing positive for a controlled substance, cocaine. *See* Transcript VOP Plea and Sentencing Hearing at 6 (lines 17-25)–7 (lines 1-5, 20-23). Defendant acknowledged that the admission to single alleged violation was enough for the trial court to find Defendant in violation of her probation. *Id.* at 7 (lines 6-11). Defendant confirmed that counsel told her the maximum penalty she could receive in this case was 15 years. *Id.* at 7 (lines 11-13). Defendant stated that no one had made any threats or promises regarding the plea

³ The attachments to the September 6, 2016 order denying motion for post-conviction relief are not attached to this Order.

of admission. *Id.* at 7 (lines 14-19). Defendant affirmed to the trial court that she understood she was giving the court full discretion in her sentencing, by virtue of the fact that it was an open admission. *Id.* at 8 (lines 18-23). Defendant affirmed that entering an open admission to violation of probation was the decision she wanted to make and was making it of her own free will. *Id.* at 8 (lines 24-25)–9 (lines 1-3). “Defendants have a duty to uphold the solemn oath they take to tell the truth.” *Iacono v. State*, 930 So. 2d 829, 831 (Fla. 4th DCA 2006). “Allowing this type of claim would undermine the purposes behind the oath to tell the truth, the plea forms, and the plea colloquy’s determination of voluntariness.” *Id.* at 831-32. “Defendants are bound by the statements made by them under oath; they are not entitled to have their plea set aside by later claiming the plea was involuntary based on their allegedly perjured testimony.” *Henry v. State*, 920 So. 2d 1245, 1246 (Fla. 5th DCA 2006). A defendant “is not entitled to go behind sworn representations made to the court in a postconviction proceeding.” *Davis v. State*, 938 So. 2d 555, 557 (Fla. 1st DCA 2006). Thus, this claim is raised without merit.

7. In support of Ground IV, Defendant argues that counsel provided ineffective assistance of counsel for failing to argue to the trial court that the total time served in jail, prison, and probation, combined with the new sentence of incarceration, exceeded the statutory maximum of the charged offense. Defendant claims counsel failed to address this issue with the court, the prosecution, and failed to inform her. Defendant states that had it been brought to the court’s attention, she would have not received a 15-year sentence. The record reflects that counsel did outline Defendant’s case history to the court, including her relative role in the underlying offense, the age of the case, and Defendant’s credit for time served. *See* Transcript VOP Plea and Sentencing Hearing at 13 (lines 14-25)– 15 (lines 13-19). Thus, Defendant has not demonstrated

that counsel erred. Nor has Defendant demonstrated prejudice. Counsel will not be deemed ineffective for failing to raise meritless arguments. *See Owen v. State*, 986 So. 2d 534, 543 (Fla. 2008) (citing *Melendez v. State*, 612 So. 2d 1366, 1369 (Fla. 1992)). A defendant is not entitled to credit for time spent on the probationary or community control portion of a split sentence against a newly-imposed sentence of imprisonment, even if the combined total of the new period of imprisonment and the time served on probation or community control exceeds that statutory maximum of the charged offense. *See Young v. State*, 697 So. 2d 75 (Fla. 1997); *see also, Gordon v. State*, 268 So. 3d 915, 917 (Fla. 1st DCA 2019) (“After supervision is revoked and a prison sentence is imposed, a defendant is not entitled to credit against his prison sentence for time previously spent on supervision for the same offense.”).

With respect to Defendant’s claim that she would not have received her current sentence if the court was aware of the amount of time she had previously served in jail, prison, and on probation, it is refuted by the record. As stated above, the court was aware of Defendant’s case history. *See* Transcript VOP Plea and Sentencing Hearing at 15 (lines 13-19). To the extent Defendant claims that had counsel argued that the age of the case combined with a 15-year prison sentence would exceed 15 years, the outcome of the proceeding would have been different, such claim is refuted by the record. The record reflects that the trial court was not inclined to continue Defendant on probation. *Id.* at 17 (lines 19-25)– 18.

To the extent Defendant argues that had her attorney explained to her that she was not entitled to credit for time spent on probation or community control against her newly-imposed sentence of incarceration, the outcome of the proceeding would have been different, Defendant has failed to demonstrate prejudice. Defendant affirmed that she wished to enter the plea of

admission to testing positive for a controlled substance. *See* Transcript VOP Plea and Sentencing Hearing at 1-9. Defendant was aware of the maximum available sentence and wished to argue mitigation. *Id.* Even if Defendant proceeded to a VOP hearing, it is likely that the State would have been able to satisfactorily prove that Defendant tested positive for a controlled substance, cocaine. *Id.* at 6 (lines 17-25)– 7 (lines 1-19). Based on the statements of the trial court, it is unlikely that Defendant would have received any other sentence after she was found in violation of probation. *Id.* at 17 (lines 19-25)– 18.

8. In support of Ground V, Defendant argues that counsel was ineffective for failing to argue that the trial court did not have authority to sentence her to 15 years. Defendant claims that counsel should have argued that Defendant was originally sentenced, pursuant to a negotiated plea agreement in November 2006, to a split sentence that did not exceed 10 years. *See* Petition to Enter Plea; Judgment and Sentence. As stated above, following the revocation of probation due to a violation of conditions, “the court was free to impose any sentence it may have originally imposed before placing [Defendant] on probation.” *Mearns v. State*, 779 So. 2d 282, 283 (Fla. 2d DCA 1998); *see State v. Payne*, 404 So. 2d 1055, 1056-57 (Fla. 1981) (“[O]ne who has been sentenced to a period of incarceration and then given a period of probation may, upon revocation of probation, be sentenced to any term which might have originally been imposed, regardless of whether the term of the second sentence exceeds that of the first.”). Counsel will not be deemed ineffective for failing to raise meritless arguments. *Owen v. State*, 986 So. 2d 534, 543 (Fla. 2008) (citing *Melendez v. State*, 612 So. 2d 1366, 1369 (Fla. 1992)). In addition, Defendant was aware that the maximum available sentence was 15 years. *See* Transcript VOP Plea and Sentencing Hearing at 7 (lines 11-13). Thus, this claim is raised without merit.

9. In support of Ground VI, Defendant argues that the trial court lacked the authority to sentence her to 15 years. Essentially, Defendant is claiming her sentence is illegal. As outlined above in Grounds I and V, this claim is raised without merit. Defendant argues that she should have been recommitted to the remainder of her probation, but the record is clear that Defendant affirmed that she wished to enter a plea of admission to a violation of probation, was aware the maximum available sentence was 15 years, and understood that the court would determine her sentence. *See* Transcript VOP Plea and Sentencing Hearing at 1–9.

10. In support of Ground VII, Defendant argues that trial counsel abused its discretion when the court dismissed her motion to withdraw plea without holding a hearing. Such claim is not cognizable in a rule 3.850 motion. As stated above in Ground II, the court dismissed the motion to withdraw plea filed by her attorney because Defendant alleged ineffective assistance of counsel, thus resulting in a conflict of interest. In addition, the court reviewed Defendant's motion for post-conviction relief, construing it as filed pursuant to rule 3.170(1), and reviewed her claims and those averred by counsel. Defendant was advised that she could appeal the decision to the First District Court of Appeal. Defendant filed a *pro se* motion to withdraw plea on September 12, 2016, but failed to raise a cognizable claim. *See* Order Dismissing Second *Pro Se* Motion to Withdraw Plea. Thus, this claim is raised without merit.

11. In support of Ground VIII, Defendant argues that the trial court abused its discretion by failing to consider the portions of Defendant's supervision that were completed successfully, namely the payment of her fines and fees. Defendant claims that had the court considered this, she would have had her probation reinstated. Claims that the trial court abused its discretion are not cognizable in a rule 3.850 motion; however, as stated in Ground I, the trial court had discretion

to sentence Defendant to prison following a violation of probation. *See Mearns v. State*, 779 So. 2d 282, 283 (Fla. 2d DCA 1998); *see also, Nadzo v. State*, 24 So. 3d 690, 692 (Fla. 2d DCA 2009). Secondly, this claim is refuted by the record. The record reflects that the court was made aware of her supervision history, and Defendant, herself, told the court that she had a span of 5 years on probation with no violations and completely paid her fees. *See* Transcript VOP Plea and Sentencing Hearing at 14–16. The court stated that based on the Defendant’s history of supervision, the court was not inclined to continue Defendant on probation. *Id.* at 17 (lines 19–25)–18 (lines 1–22). Thus, Defendant’s claim is raised without merit.

12. In support of Ground IX, Defendant argues that the trial court abused its discretion by failing to order a hearing and appoint conflict-free counsel when the public defender’s office was discharged. Claims that the trial court abused its discretion are not cognizable in a rule 3.850 motion. As stated above in Grounds II and VII, the court dismissed the motion to withdraw plea filed by her attorney because Defendant filed a *pro se* motion alleging ineffective assistance of counsel, thus resulting in a conflict of interest. The court noted that conflict-free counsel would be appointed if the claims raised in Defendant’s motion were not refuted by the record. *See* Order Dismissing Motion to Withdraw Plea; and, Discharging the Office of the Public Defender. The court reviewed Defendant’s motion for post-conviction relief, construing it as filed pursuant to rule 3.170(1), and those claims averred by counsel, but did not find any claims to be meritorious. *See* Order Denying Motion for Post-Conviction Relief. Defendant was advised that she could appeal the decision to the First District Court of Appeal. *Id.* Thus, this claim is raised without merit.


13. In support of Ground X, Defendant argues that she had a right to be sentenced

pursuant to an alternative sanctioning program due to her low and moderate risk violations. It appears Defendant is referencing the current statutory framework. *See* § 948.06(9), Fla. Stat. (2019). However, this alternative sanctioning program was not available when Defendant was sentenced following the revocation of her probation, and the statute does not apply retroactively. *See* § 948.06, Fla. Stat. (2016). Thus, this claim is raised without merit.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that:

Defendant's motion is hereby **DENIED**. Defendant may appeal this decision to the First District Court of Appeal within thirty (30) days of this Order's effective date.

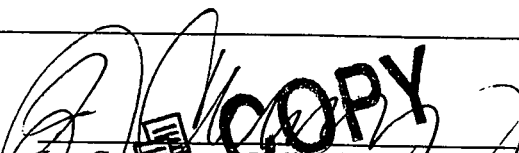
DONE AND ORDERED on this 14 day of November 2019.


MARK MOSELEY,
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copy of the foregoing Order and Attachments was furnished on this 14 day of November 2019, to the following:

Misty R. Weed, DC# G14060 Homestead Correctional Institution 19000 S.W. 377th Street Florida City, Florida 33034-6409	Ralph Yazdiya, Asst. State Attorney Office of the State Attorney eservice@sao8.org
--	--


Joy Cummings, Judicial Assistant

MANDATE

From

DISTRICT COURT OF APPEAL OF FLORIDA

FIRST DISTRICT

FILED

AUG 09 2017

CLERK CIRCUIT COURT
BAKER COUNTY, FLORIDA

To the Honorable Judges of the Circuit Court for Baker County

WHEREAS, in the certain cause filed in this Court styled:

MISTY WEED

Case No : 1D16-4190

v.

Lower Tribunal Case No :
04000500CF2XMX

STATE OF FLORIDA

The attached opinion was issued on July 12, 2017.

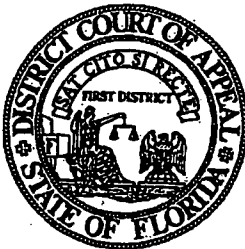
YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with said opinion, the rules of Court, and the laws of the State of Florida.

WITNESS the Honorable Bradford L. Thomas, Chief Judge

of the District Court of Appeal of Florida, First District,

and the Seal of said Court done at Tallahassee, Florida,

on this 9th day of August 2017.



Jon S. Wheeler

JON S. WHEELER, Clerk

District Court of Appeal of Florida, First District

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MISTY WEED,

Appellant,

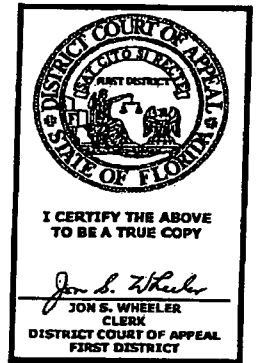
NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D16-4190

STATE OF FLORIDA,

Appellee.



Opinion filed July 12, 2017.

An appeal from the Circuit Court for Baker County.
James M. Colaw, Judge.

Andy Thomas, Public Defender, Steven L. Seliger and Justin Karpf, Assistant
Public Defenders, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Jason W. Rodriguez, Assistant Attorney
General, Tallahassee, for Appellee.

FILED

AUG 09 2017

CLERK CIRCUIT COURT
BAKER COUNTY, FLORIDA

PER CURIAM.

AFFIRMED.

WOLF, ROWE, and KELSEY, JJ., CONCUR.

**IN THE CIRCUIT COURT OF
THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 02-2004-CF-000500-A

MISTY ROSE WEED,

Defendant.

**ORDER DISMISSING MOTION TO WITHDRAW PLEA; AND, DISCHARGING THE
OFFICE OF THE PUBLIC DEFENDER**

THIS CAUSE comes before the Court upon Defendant's "Motion to Withdraw of Plea," filed by defense counsel on August 25, 2016, pursuant to Fla. R. Crim. P. 3.170(f). Based on the timing of the motion, it is being considered instead as filed pursuant to 3.170(l). Upon consideration of the motion and the record, this Court finds and concludes as follows:

1. On August 16, 2016, Defendant entered an open plea of admission to violation of her probation in the above-captioned case. After a disposition hearing, the court revoked Defendant's probation and resentenced her to 15 years imprisonment in the Department of Corrections. Defendant has not yet filed an appeal.

2. In the instant motion, defense counsel alleges that Defendant contacted him post-sentencing and "indicated that when she signed the plea form and entered her admission that she did not believe it was in her best interest...." In addition, counsel contends that Defendant "did not understand that she might get the maximum sentence... [and;] was so emotional at the time of the signing of the plea form and at the entry of her admission that she did not fully understand what she was doing and what might happen to her as a result." Defense counsel moves the Court to allow

ORDER DISMISSING MOTION TO WITHDRAW PLEA; AND, DISCHARGING THE OFFICE OF THE PUBLIC DEFENDER
STATE VS. MISTY ROSE WEED
CASE NO. 02-2004-CF-000500-A
PAGE 2

Defendant to withdraw her plea of admission and proceed to a probation revocation hearing.

3. The record reflects that, prior to the instant motion being filed by counsel, Defendant filed a *pro se* rule 3.850 motion* alleging, among other things, ineffective assistance of counsel. For this reason, counsel and Defendant have a conflict of interest regarding Defendant's request for withdrawal of her plea.

4. Upon receipt of Defendant's rule 3.850 motion, this Court requested a transcription of the VOP plea and sentencing. If upon review of the transcript and that motion, this Court finds that the claims raised are not conclusively refuted by the record, it will appoint conflict-free counsel to assist Defendant. However, a conflict presently exists which prevents current defense counsel from representing Defendant in her request to withdraw her plea.

Based on the foregoing, it is **ORDERED AND ADJUDGED** that:

- I. Defendant's motion is hereby **DISMISSED** due to the pending *pro se* rule 3.850 motion which alleges ineffective assistance of counsel.
- II. The **OFFICE OF THE PUBLIC DEFENDER** is hereby **DISCHARGED** from any further representation of Defendant in this case.

DONE AND ORDERED on this 29th day of August 2016.



JAMES M. COLAW, CIRCUIT JUDGE

* The *pro se* rule 3.850 motion will be considered as a timely filed rule 3.170(I) motion once it is addressed on the merits.

ORDER DISMISSING MOTION TO WITHDRAW PLEA; AND, DISCHARGING THE OFFICE OF THE PUBLIC DEFENDER

STATE VS. MISTY ROSE WEED

CASE No. 02-2004-CF-000500-A

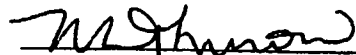
PAGE 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true copy of the foregoing Order was furnished by e-mail delivery, on this 29 day of August 2016, to the following:

George Nelson, Assistant Public Defender
Office of the Public Defender
nelsong@pdo8.org
eservice@pdo8.org

Ralph Yazdiya, Assistant State Attorney
Office of the State Attorney
yazdiyar@sao8.org
eservice@sao8.org



W. Thurow, Judicial Assistant

IN THE CIRCUIT COURT OF THE Eighth JUDICIAL CIRCUIT
IN AND FOR Baker COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

Case No.: 04000500CEAXMX

Misty Rose Weed
Defendant,
pro se /

MOTION TO WITHDRAW PLEA

COMES NOW, the Defendant, Misty Rose Weed pro se, pursuant to Fla.R.Crim.P. 3.170(f) and petitions this Honorable Court to allow the Defendant to withdraw her plea. Defendant submits the following in support thereof:


1. The Defendant entered a plea of guilty on August 16, 2014 to the offense(s) of Robbery - No Firearm or weapon
VOP - dirty urinalysis
2. Florida Rule of Criminal Procedure 3.170(1) permits a defendant even after sentencing to withdraw a plea where she wishes to reserve the right to appeal an issue that is dispositive of her case.

Defense was dismissed post sentence
by Judge Colaw - due to conflict of
interest (specifics unknown)

WHEREFORE, based on the foregoing the defendant respectfully requests this Honorable Court to grant this motion to allow the defendant to withdraw her plea.

Respectfully Submitted,

Date 9-8-16

A handwritten signature in black ink, appearing to read "Misty Wad", written over a horizontal line.

Florida Women's Reception Center DC# 914060
3700 NW 111th Place
Ocala, Florida 34482

OATH/VERIFICATION

Under penalties of perjury, I, Misty Rose Weed declare that I have read the foregoing Motion to Withdraw Plea and that the facts stated in it are true.

9-8-14
Date

Misty Weed
Signature of Declarant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Withdraw Plea has been placed in the hands of a Florida Women's Reception Center prison mailroom official for filing furnished by U.S. Mail postage prepaid to:

Baker County Clerk of Court
339 E. Macolenny Ave, Suite 113
Macolenny FL 32063

State Attorney
William Cervone
339 E. Macolenny Ave Ste. 113
Macolenny FL 32063

on this 8th day of September, 2014.

Misty Weed

Florida Women's Reception Center
3700 NW 111th Place
Ocala, Florida 34482

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA**



Probation Violator
Community Control Violator

Retrial
Resentence

STATE OF FLORIDA

VS

RECORDED

CASE NO. 02-2004 -CF- 500 -A

MISTY ROSE WEED

Defendant

JUDGMENT

The defendant, MISTY ROSE WEED, being personally before this Court,
represented by, GEORGE NELSON, the attorney of record, and the State
represented by, RALPH YAZDIYA, and having

- ☐ been tried and found guilty by jury/by court of the following crimes(s)
☐ entered a plea of guilty to the following crime(s)
☒ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime
I.	Robbery	812.13 2k)	2° F

- ☒ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)
- ☐ and good cause being shown, IT IS ORDERED THAT **ADJUDICATION TO GUILTY BE WITHHELD**.
- ☒ **BLOOD/BIOLOGICAL SPECIMENS:** Pursuant to FLA. STAT. § 943.325, the defendant having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty to, regardless of adjudication, to attempts of offenses relating to sexual battery, FLA. STAT. CH. 794; lewd and lascivious conduct, FLA. STAT. Ch. 800; murder, FLA. STAT. § 782.04; aggravated battery, FLA. STAT. § 784.045; carjacking, FLA. STAT. § 812.133; home invasion robbery, FLA. STAT. § 812.135; burglary, FLA. STAT. § 810.02; robbery, FLA. STAT. § 812.13; robbery by sudden snatching, FLA. STAT. § 812.131; kidnapping/false imprisonment/luring.

MISTY ROSE WEED

Defendant

Case No. 02- 2004-CF- 500 -A

Or enticing/custody offense, Fla. Stat. Ch. 787; aggravated manslaughter of elderly/disabled adult or child or any other offense specified in FLA. STAT. § 943.325, shall be required to submit two specimens of blood or other biological specimens approved by the Department of Law Enforcement to the Florida Department of Law Enforcement.

- EFFECTIVE JULY 1, 2004 – Adds: Any forcible felony, FLA. STAT. § 776.08; aggravated child abuse, FLA. STAT. § 827.03(2); aggravated abuse of elderly or disabled adult, FLA. STAT. § 825.102(2); any felony involving use or possession of firearm.
- EFFECTIVE JULY 1, 2005 – Any felony offense

- ☐ PROSTITUTION: Pursuant to FLA. STAT. § 796.08(3), the defendant, having been convicted under FLA. STAT. § 796.07 of prostitution or procuring another to commit prostitution, must undergo screening for a sexually transmissible disease, including, but not limited to screening to detect exposure to human immunodeficiency virus, under the direction of the Department of Health.
- ☐ HIV TESTING: Pursuant to FLA. STAT. § 775.0877, the defendant, having been convicted of or having pled nolo contendere or guilty to regardless of whether adjudication is withheld, any of the following offenses, or attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another: FLA. STAT. § 794.011, relating to sexual battery; FLA. STAT. § 826.04, relating to incest; FLA. STAT. §§ 800.04(1)(2) and (3), relating to lewd, lascivious, or indecent assault or act upon any person less than 16 years of age; FLA. STAT. §§ 784.011, 784.07(2)(a), and 784.08(2)(d), relating to assault; FLA. STAT. §§ 784.021, 784.07(2)(c) and 784.08(2)(b), relating to aggravated assault; FLA. STAT. §§ 784.07(2)(b) and 784.08(2)(c), relating to battery; FLA. STAT. §§ 784.045, 784.07(2)(d) and 784.08(2)(a), relating to aggravated battery; FLA. STAT. § 827.03(1), relating to child abuse; FLA. STAT. § 827.03(2), relating to aggravated child abuse; FLA. STAT. § 825.102(1), relating to abuse of an elderly person or disabled adult; FLA. STAT. § 825.102(2), relating to aggravated abuse of an elderly person or disabled adult; FLA. STAT. § 827.071, relating to sexual performance by person less than 18 years of age; FLA. STAT. §§ 796.03, 796.07 and 796.08, relating to prostitution; or FLA. STAT. § 381.0041 (11)(b), relating to donation of blood, plasma, organs, skin, or other human tissue, shall undergo HIV testing to be performed under the direction of the Department of Health.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

DONE AND ORDERED in open court in Macclenny, Baker County, Florida this 16th day of August, 2010


JAMES M. COLAW, CIRCUIT JUDGE

FILED in open court Aug. 16th, 2016, BY: Regina Berger / LaTasha Cason, D.C.

Pursuant to Florida Rule of Criminal Procedure 3.670, I HEREBY CERTIFY THAT A COPY OF THE JUDGMENT AND SENTENCE was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense defendant pro se this 16th day of August, 2010

BY: Deputy Clerk L. Cason



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

State of Florida

CASE NUMBER 02 2004 - CF 500 - A
DIVISION _____

vs











Misty Rose Weed
Defendant

FINGERPRINTS OF DEFENDANT

FILED IN OPEN COURT

Date

Deputy Clerk

Right Thumb	Right Index	Right Middle	Right Ring	Right Little
				
Left Thumb	Left Index	Left Middle	Left Ring	Left Little
				

Fingerprints taken by: Name

John Peterson

Title

Deputy Sheriff

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, Misty Rose Weed, and that they were placed thereon by the defendant in my presence in Open Court this 16 day of August, 2016.


Circuit Judge

☒ Probation Violator
☐ Community Control Violator

☐ Retrial
☐ Resentence

STATE OF FLORIDA
Vs

CASE NO. 02-2004-CF-500-A

MISTY ROSE WEED
Defendant

SENTENCE

(As to Count 1)

The defendant, being personally before this Court, accompanied by the defendant's attorney of record, GEORGE NELSON and having been adjudicated guilty herein, and the Court, having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(CHECK ONE IF APPLICABLE)

- ☐ and the Court, having on (date) _____ deferred imposition of sentence until this date.
☐ and the Court, having previously entered a Judgment in this case on (date) _____, now resents the defendant.
☐ and the Court, having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

- ☐ The defendant shall pay a fine pursuant to FLA. STAT. §775.083 [in the Order Establishing Financial Obligations].
☒ The defendant is hereby committed to the custody of the State of Florida Department of Corrections.
☐ The defendant is hereby committed to the custody of the Baker County Jail.
☐ The defendant is sentenced as a youthful offender in accordance with FLA. STAT. §958.04.

TO BE IMPRISONED (CHECK ONE: UNMARKED SECTIONS ARE INAPPLICABLE)

- ☒ For a term of natural life.
☒ For a term of 5 years.
☐ Said SENTENCE SUSPENDED for a period of _____, subject to conditions set forth in this order.
☐ Defendant shall report to the Baker County Jail to begin the sentence on _____ at _____ AM/PM.

IF "SPLIT" SENTENCE:

- ☐ Followed by a period of _____ on [] DRUG OFFENDER [] REPORTING [] PROBATION [] COMMUNITY CONTROL under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____, under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve an additional split sentence, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

SENTENCE STRUCTURE:

- ☒ Jail Credit: Pursuant to FLA. STAT. §921.161(1) or FLA. STAT. §921.0017, the defendant shall be allowed a total of 1,495 days as credit for time incarcerated before imposition of this sentence.
☐ Prior Prison/Confinement Credit: The defendant shall be allowed credit for any prior prison confinement before imposition of this sentence. The Florida Department of Corrections shall calculate this credit.
☐ As to other count(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence set forth in count(s) _____ of this case.
☐ As to other case(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence in case number(s) _____

Defendant : MISTY ROSE WEED

Case No. 02-2004 -CF- 500 -A

☐ As to any other active sentence(s) being served: The sentence imposed for this count shall run (check one)
☐ consecutive ☐ concurrent with any other active sentence(s).

☐ As to specific sentence(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with specific sentence(s) named: _____

In imposing the above sentence, the Court further orders:

Revoke & terminate probation unsuccessfully

In imposing the above sentence, the court further recommends:

AS OF OCTOBER 1, 2003: Pursuant to FLA. STAT. § 921.16(3), the Court shall not direct that sentences run "coterminously" with another sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Baker County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department, together with a copy of the judgment and sentence and any other documents specified by Florida Statutes.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

DONE AND ORDERED in open court in Macclenny, Baker County, Florida this _____ day of August, 2016


JAMES M. COLAW, CIRCUIT JUDGE

Filed in open court Aug. 11th, 2016, by Regina Berger / LaTasha Cason, D.C.

Pursuant to Florida rule of Criminal Procedure 3.670, I HEREBY CERTIFY THAT A COPY OF THE JUDGMENT AND SENTENCE was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this 11th day of August, 2016

BY: L. Cason D.C.



IN THE CIRCUIT COURT EIGHTH JUDICIAL CIRCUIT IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA

VS

MISTY ROSE WEED

Defendant

CASE NO: 02-2004-CF-500-A

DIVISION: FELONY CIRCUIT CRIMINAL

ORDER ESTABLISHING FINANCIAL OBLIGATIONS GENERAL

The defendant shall pay the following sums if checked:

MANDATORY COSTS *THESE COSTS SHALL NOT BE WAIVED BY THE COURT*

- ☐ a. \$ 350.00 **Felony Costs** pursuant to Fla. Stat. Trust Fund): Fla. Stat. § 938.05(1)(a) (\$225.00) (Local Government Criminal Justice Trust Fund): Fla. Stat. § 938.15 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1. (\$50.00) Crime Prevention-Court Costs, pursuant Fla. Stat. § 775.083(2), PLUS (\$20.00) Crime Stopper Surcharge, pursuant to Fla. Stat. § 938.06(1)
- ☐ b. \$ 155.00 **Misdemeanor Costs** pursuant to Fla. Stat. § 938.03 (\$50.00) (Crimes Compensation Trust Fund): Fla. Stat. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); Fla. Stat. § 938.05(1)(b) (\$60.00) (Local Government Criminal Justice Trust Fund); Fla. Stat. § 938.15 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1. (\$50.00) Crime Prevention-Court Costs, pursuant Fla. Stat. § 775.083(2), PLUS (\$20.00) Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1).
- ☒ c. \$ 65.00 **County Funding/Legal Aid/Law Library/Teen Court – Assessment of Additional Court Costs** pursuant to Fla. Stat. § 939.185, by Baker County Ord. 2004-35.
- ☒ d. \$ 50.00 **Attorney Application Fee –per affidavit** pursuant to Fla. Stat. § 27.52(1)(b).
- ☒ e. \$ 100.00 **Felony Costs for the State Attorney – All felony, VOP or VOCC cases, regardless of adjudication** pursuant to Fla. Stat. § 938.27(8)
- ☐ f. \$ 50.00 **Misdemeanor Costs for the State Attorney – All misdemeanor or VOP cases regardless of adjudication** pursuant to Fla. Stat. § 938.27(8)
- ☒ g. \$ 100.00 **Felony Costs of Legal Assistance – All felony, VOP or VOCC cases regardless of adjudication** pursuant to Fla. Stat. § 938.29(1)(a).
- ☐ h. \$ 50.00 **Misdemeanor Costs of Legal Assistance – All misdemeanor or VOP cases, regardless of adjudication** pursuant to Fla. Stat. § 938.29(1)(a).
- ☐ i. 3.00 **TEEN COURT** by Baker County Ord. 2005-54
- ☐ j. \$ _____ **Liquidated Damages, Other than Capital or Life Felonies:** Fla. Stat. § 960.293(2)(b): \$50.00 per day of sentence (Cost of Sentence Incarceration).
- ☐ k. \$250,000.00 **Liquidated Damages, Capital or Life Felonies:** Fla. Stat. § 960.293(2)(a) Cost of Sentence Incarceration.
- ☐ l. **PREVIOUSLY ORDER FINANCIAL OBLIGATIONS ARE REDUCED TO CIVIL JUDGMENT, FLA. STAT. § 938.30(6).**
- ☐ m. **PAY PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS.**

DISCRETIONARY FINES

- ☐ a. \$ _____ **TOTAL Standard Fine:** _____ pursuant to Fla. Stat. § 775.083(1): a.) Life Felony: up to \$15000.00; b.) 1st or 2nd Degree Felony: up to 10,000.00 c.) 3rd Degree Felony: up to \$5000.00; d.) 1st Degree Misdemeanor; up to \$1,000.00; e.) 2nd Degree Misdemeanor or non-criminal violation up to \$500.00; f.) Alternatively, may impose double offender's pecuniary gain or victim's pecuniary loss PLUS 5% surcharge \$ _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 FELONY / \$20.00 MISD. Crime Prevention – Court Costs pursuant to Fla. Stat. § 775.083(2).
- ☐ b. \$ _____ **TOTAL Additional Fine for Offense Resulting in Injury/Death up to \$10,000.00, FINE:** _____ pursuant to Fla. Stat. § 775.0835(1) PLUS 5% Surcharge _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06 (1), PLUS \$50.00 Crime Prevention-Court Costs, pursuant to Fla. Stat. § 775.09 (2). (Additional findings required).

MANDATORY FINES (DUI AND BUI §316.193)

- ☐ a. \$ _____ **Fine \$ _____, PLUS \$135.00 court costs** pursuant to Fla. Stat. § 938.07. PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 FELONY/\$20.00 MISD. Crime Prevention Court Cost Pursuant to Fla. Stat. § 775.083(2).
- ☐ First Conviction
- ☐ Second Conviction
- ☐ Third Conviction
- ☐ Fourth Conviction

DISCRETIONARY COSTS (DUI AND BUI §316.193)

- ☐ a. \$ _____ **Court Cost, in Addition to any Fine, up to amount of fine authorized. Enumerated Fla. Stat §938.23, 938.21 & 893.165.**

RESTITUTION/REIMBURSEMENT [§775.089]

- ☐ a. \$3.50/Payment Clerk of Court fee: per payment for receiving and disbursing all "restitution" payments, pursuant to Fla. Stat. § 28.24(26)(a)
- ☐ b. \$ 5.00 / Month Clerk of Court fee: per month / all partial payment "other than restitution" payments, pursuant to Fla. Stat. §. 28.24 (26) (b)
- ☐ c. \$25.00 / FEE Clerk of Court fee: For setting up payment plan, a one time administrative processing charge in lieu of a per month charge, pursuant to Fla. Stat. §28.24(26)(c)
- ☐ d. \$ _____ Restitution Imposed by separate Civil Restitution Lien Order, which is Incorporated herein by reference, or as may be determined at A hearing, after notice, within 60 days (Number of Liens _____) Fla. Stat. §960.292(2)
- ☐ e. **COURT RESERVES JURISDICTION FOR THE IMPOSITION OF RESTITUTION/REIMBURSEMENT PAYMENT REQUIREMENTS, a hearing is scheduled for _____, 20 _____ at _____ AM/PM. Baker County Courthouse, 339 E. Macclenny Ave., Macclenny, FL 32063**

DISCRETIONARY COSTS

- ☐ a. \$ _____ **Public Defender Costs and Fees (if requested) "by separate order with specificity of agency,"** or as may be determined at hearing after notice, within 60 days, Fla. Stat. §938.27. This is in addition to the mandatory imposition listed above.
- ☐ b. \$ _____ **Medical Expenses Incurred while in county jail** pursuant to Fla. Stat. § 951.032.
- ☐ c. \$ _____ **Misdemeanor Probation (Only by County Court) supervising agency's fee (Court Services or Clerk of Court) Not less than \$40/month**
- ☐ d. \$ _____ **Costs of Investigation and Prosecution (if requested), "by separate order with specificity of agency,"** or as may be determined at hearing after notice, within 60 days, Fla. Stat. § 938.27. This is in addition to the mandatory imposition listed above.
- ☐ e. \$ _____ **Florida Crimes Lab (FDLE) Violations of Fla. Stat. § 893.13** pursuant to Fla. Stat. § 938.25, by separate order.
- ☐ f. \$ _____ **State Attorney Worthless Check Fees (if participating in diversion program):** ☐ a) \$25.00 if face value does not exceed \$50.00, # of checks _____ ☐ b) \$30.00 if face value does not exceed \$300.00, # of checks _____ ☐ c) \$40.00 if the face value is more that \$300.00, # of checks _____, Fla. Stat. § 832.08(5)

REIMBURSEMENT FOR SPECIFIC CRIMES

- ☐ a. \$ _____ Specimen Collection Expense: Fla. Stat. § 943.325(10)(a), Applies to ALL felony, VOP or VOCC cases.
- ☐ b. \$ _____ Victim's Initial Forensic Physical Examination: Fla. Stat. § 960.28(6) [applies to ch. 794 (sexual battery); ch. 800 (lewd and lascivious) (payable to Crime Compensation Trust Fund)].
- ☐ c. \$ _____ Child Abuse/Abandonment/Neglect Physical Examination/Photographs: Fla. Stat. § 39.304(5) (ONLY IF Defendant is parent or legal custodian.
- ☐ d. \$ 100.00 Florida Crimes Lab (FDLE Lab) Violations of Fla. Stat. § 893.13 pursuant to Fla. Stat. § 938.25, by separate order.
- ☐ e. \$ _____ Victim Assistance Award – Debt to State Pursuant to Fla. Stat. § 960.17.

OTHER SPECIFIC CRIMES – FINES / CIVIL PENALTIES / SURCHARGES

- ☐ a. \$ _____ Non-support of Dependents (FELONY) (Fine) pursuant to Fla. Stat. § 827.06(3): 4th or subsequent OR regardless of prior convictions if arrearage is more than one year in an amount of \$6,000 or more: Treat as third-degree felony (fine up to \$5,000). FINE: _____ PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04. PLUS \$20.00 Crime Stopper surcharge pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention – Court Costs, pursuant to Fla. Stat. § 775.083 (2).
- ☐ b. \$ 201.00 Domestic Violence (\$201.00 Surcharge), Domestic Violence Trust Fund pursuant to Fla. Stat. § 938.08. Violations of Fla. Stat. § 784.011 (assault); Fla. Stat. § 784.03 (battery/felony battery); Fla. Stat. § 784.041 (felony battery); Fla. Stat. § 784.045 (aggravated battery); Fla. Stat. § 784.07 (assault or battery LEO + special people); Fla. Stat. § 784.04 (assault or battery on victim 65+ years old); Fla. Stat. § 784.081 (assault or battery on specified official or employees); Fla. Stat. § 784.082 (assault or battery BY a detainee); Fla. Stat. § 784.083 (assault or battery on code inspectors); Fla. Stat. § 784.085 (battery on child by using fluids); Fla. Stat. § 794.011 (sexual battery); Fla. Stat. § 741.28 (domestic violence).
- ☐ c. \$ 101.00 Crimes Against Minors (\$101.00 Court Costs) DCF Children Advocacy Trust Fund pursuant to Fla. Stat. § 938.10, in addition to any other costs or penalty required by law for any offense against a minor in violation of Fla. Stat. § 784.085 (battery on child by using fluids); ch. 787 (kidnapping; false imprisonment; luring or enticing a child, custody offenses); ch. 794 (sexual battery); Fla. Stat. § 796.03 (procuring person under age of 18 for prostitution); Fla. Stat. § 800.04 (lewd or lascivious offenses committed upon/presence less than 16 years of age); ch 827 (abuse of children); Fla. Stat. § 847.0145 (selling/buying minors); or Fla. Stat. § 985.701 (sexual misconduct).
- ☐ d. \$ 151.00 Rape Crisis (\$151.00 Surcharge) Rape Crisis Program Trust Fund pursuant to Fla. Stat. § 938.085, in addition to any sanction imposed for a violation of Fla. Stat. § 784.011 (assault); Fla. Stat. § 784.02 (aggravated assault); Fla. Stat. § 784.03 (battery/felony battery); Fla. Stat. § 784.011 (felony battery); Fla. Stat. § 784.045 (aggravated battery); Fla. Stat. § 784.048 (stalking); Fla. Stat. § 784.07 (assault or battery LEO or special people); Fla. Stat. § 784.08 (assault or battery on victim 65+ years old); Fla. Stat. § 784.081 (assault or battery on specified officials or employees); Fla. Stat. § 784.082 (assault or battery BY a detainee); Fla. Stat. § 784.083 (assault or battery on code inspectors); Fla. Stat. § 784.085 (battery on child by using fluids); Fla. Stat. § 794.011 (sexual battery).
- ☐ e. \$ 500.00 Violations of Fla. Stat. § 796.07(2)(f) (Soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness or assignation) pursuant to Fla. Stat. § 796.07(6): FELONY – 3rd OR SUBSEQUENT VIOLATION SHALL be assessed a civil penalty of \$500.00 if violation results in disposition other than acquittal or dismissal. [Shall be paid through Clerk of Court to disburse to Eighth Judicial Circuit Court Administrator.][See judgment and sentence for additional non-monetary penalties.]
- ☐ f. \$ _____ Assault or Battery on 65+, Fla. Stat. § 784.08(1), Fine not to exceed \$10,000. Fine _____, PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04 PLUS \$20.00 Crime Stopper Surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention Court Costs, pursuant to Fla. Stat. § 775.083(2). [See judgment and sentence for additional non-monetary penalties.]
- ☐ g. \$ _____ Enumerated Thefts (Fla. Stat. § 812.012 – 812.037) (supplemental fine); pursuant for Fla. Stat. § 812.032 amount not to exceed twice gross value gained or twice gross loss caused, whichever is greater FINE: _____, PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04 PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention Court Costs pursuant to Fla. Stat. § 775.083(2), [Upon Motion of the State Attorney] PLUS costs of investigation and prosecution by separate order.

DRUG OR ALCOHOL – OTHER THAN DUI OR BUI

- ☐ a. \$ _____ COURT COST IN ADDITION TO ANY FINE up to amount of fine authorized, Enumerated ch. 893 (drug abuse); Fla. Stat. § 856.011 (disorderly intoxication); Fla. Stat. § 856.015 (open house parties); (beverages); ch. 567 (alcoholic beverages local option); ch 568 (Intoxicating liquors where prohibited); pursuant to Fla. Stat. §§ 938.23, 938.21 & 893.164 (IF DUI OR BUI; SEE DUI OR BUI SECTION ON PAGE ONE)

TOTAL FINANCIAL OBLIGATIONS SHALL BE PAID AS FOLLOWS:

- ☐ a. Through defendant's probation officer in equal monthly installments in an amount sufficient to pay the total sum in full three months before the end of the probationary period.
- ☒ b. Through the Baker County Clerk of Court, 339 E. Macclenny Avenue, Suite 113, Macclenny, Florida 32063.
- ☒ c. Civil Judgment(s) shall be entered for the ordered sums.
- ☐ d. Pursuant to Fla. Stat. § 938.30, defendant's financial obligations are converted into a court-ordered obligation to perform community service hours at the rate of the current minimum wage and defendant must show proof of completion to the Baker County Clerk of Court, 339 E. Macclenny Avenue, Macclenny, FL 32063 or the probation officer. The foregoing costs are in addition to any financial obligation the Court may have ordered in a separate order of probation or community control.

DONE AND ORDERED in open court at Macclenny, Baker County, Florida this 16th day of August, 2010


JAMES M. COLAW, CIRCUIT JUDGE

Copies furnished to:
Assistant State Attorney
Counsel for Defendant
Probation and Parole

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

DATE D.C.

vs.

MISTY WEED
Defendant.

CASE NO.: 02-2004-CF-000500-7A
CRIMINAL DIVISION: _____

VIOLATION OF PROBATION/COMMUNITY CONTROL
PETITION TO ENTER A PLEA OF ADMISSION

(The Defendant must initial each paragraph that pertains to him/her
and indicate not applicable [N/A] to those that do not)

MRW 1. My full name is MISTY WEED and I am also known as
_____. I am 32 years of age. I have gone to school up to and including
_____.

MRW 2. I am represented by an attorney, who is GEORGE NELSON. I have told my attorney all
the facts and circumstances about the charges against me, motions I believe should be filed, defenses I believe I may have and
witnesses I believe I may have (including alibi witnesses). My attorney and I have discussed the allegations and charges against
me, the evidence in this case, including depositions, witnesses disclosed by the State, arrest reports and motions that may be
filed on my behalf. My attorney and I have discussed the physical evidence in this case and whether any DNA associated with
that physical evidence could exonerate me. I am satisfied that my attorney has sufficiently explained the State's case against me,
as well as any defenses that I may have against the State's case against me. I understand that by entering this plea, I waive (give
up) those issues and defenses. I am fully satisfied with my attorney's representation in these matters and I have no concerns
about the adequacy of my attorney's investigation and preparation of my case.

(Initial the paragraph that applies.)

a. _____ I believe that my attorney is fully informed on all such matters. S/he has properly investigated all
witnesses (including alibi witnesses), facts of this case, defenses available to me, and motions
appropriate to file on my behalf.

MRW Because I wish to accept the State's plea offer, at my request and with my agreement, my attorney
has not fully investigated my case nor talked to all of the witnesses.

MRW 3. I am pleading guilty/nolo contendere and admitting all of the allegations contained in the Violation of
Probation/Community Control Report(s) identified below ~~except~~ TO BE ADMISSION
~~THE STATE HAS PROVEN BEYOND A REASONABLE DOUBT THAT I AM GUILTY OF THE FOLLOWING VIOLATIONS~~
STATE TESTED POSITIVE FOR COCAINE

CASE NUMBER
04-2004CF

COUNT CRIME

I ROBBERY

VOP/CC ALLEGATIONS
(specify by VOP/CC report date)

6/1/10 5/11/10

MPW 4. I understand that I have the right to deny any and all allegations against me or, if I have entered a denial of the allegations, to persist in that denial and proceed to a hearing before the Judge. If I elect to proceed to a hearing, I understand that the hearing will be conducted by a Judge (and not before a jury), and at that hearing I have the right to the assistance of counsel, the right to compel the production of evidence and the attendance of witnesses on my behalf, the right to confront and cross-examine witnesses against me, and the right not to be compelled to incriminate myself. I have the right to take the witness stand at my sole option, and if I do not take the witness stand, I understand that this may not be held against me. I understand that by admitting the violations of probation/community control, I waive and give up my rights as listed in this paragraph and that there will be no hearing. I further understand that if I admit to the allegations of violation of probation/community control, the Judge may ask me questions about the allegations to which I have admitted. I am not required to answer those questions and if I decline to answer those questions, my refusal may not be used against me by the Judge or anyone else. If I answer those questions under oath, on the record, and in the presence of counsel, the answers may later be used against me in a prosecution for perjury.

MPW 5. I understand that if I admit the allegations of violation of probation/community control, I give up my right to a direct appeal. I further understand, however, that I do not give up my right to appellate review by collateral attack as that term has been explained to me by my attorney.

MPW 6. I have been advised that the statutory maximum possible sentence for the charge(s) to which I am pleading is 10 years imprisonment and/or a fine of \$ 10,000.

_____ a. The mandatory minimum penalty is _____.

_____ b. The Court cannot withhold adjudication of guilt.

_____ c. The Court cannot place me on probation.

MPW 7. I am presently on probation/community control in other case(s) unconnected to this case(s). I understand that by admitting the violations of probation/community control in this case, it may cause revocation of my probation/community control in the other case(s) and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to (in addition to) any sentence in any other case in which I am on probation/community control.

MPW 8. I believe that I am competent to enter this plea. My physical and mental health are presently satisfactory. The exceptions are: _____

MPW 9. At this time I am taking the following medications: _____

I am not under the influence of any drugs or intoxicants to the extent that my normal faculties are impaired.

MPW 10. My attorney has advised me of considerations bearing on the choice of which plea to enter, and the advantages and disadvantages of such plea, and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on Page 4 was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the plea agreement. I BELIEVE THAT MY ATTORNEY HAS DONE ALL THAT A COMPETENT ATTORNEY COULD DO TO COUNSEL AND ASSIST ME. I AM SATISFIED WITH THE ADVICE AND HELP S/HE HAS GIVEN ME. Even though I have been assisted and advised by my attorney, the decision to plead guilty/nolo contendere is mine alone and is made by me after considering the advice and counsel of my attorney.

MPW 11. I am entering this plea freely, knowingly, intelligently and voluntarily because I believe it to be in my best interest to do so. (Initial the paragraph that applies.)

- _____ a. I admit that I am guilty of the allegations to which I am admitting.
- _____ b. I believe that the plea is in my best interest even though I say that I am innocent of the allegations.
- MPW _____ c. I believe that the plea is in my best interest even though I neither admit nor deny that I am guilty of the allegations.

MPW 12. I understand that I will be required to pay statutorily mandated costs that will be assessed against me and in some cases mandatory fines, and that the Court may assess additional discretionary costs, fines and restitution. I have no objection to the costs, fines and restitution, which have been fully disclosed to me by my attorney and are set forth in the Notice of Financial Obligations. A copy of the Notice of Financial Obligations can be obtained at www.circuit8.org.

MPW 13. My attorney has advised me that at hearing the prosecution could present evidence to establish the facts set forth in the Violation of Probation/Community Control Report(s) and I agree that the Court may rely upon documents in the court's file, including the Violation of Probation/Community Control Report(s), for a factual basis for this plea.

MPW 14. I understand that if I am not a citizen of the United States, this plea may cause me to be deported.

MPW 15. **JIMMY RYCE WARNING:** My attorney has advised me that if I am now pleading to a "sexually violent offense" or if I have previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, my plea in this case could subject me 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.

_____ 16. I have read and understand that the information contained in Attachment(s) _____, attached hereto and incorporated herein, pertaining to _____
_____ applies to me and my case(s).

_____ 17. This document has been translated into _____ for the Defendant by _____ on _____, 20____.

MPW 18. The State and the Defendant stipulate and agree that the Defendant is entitled to credit for time I have already served in ~~this/these~~ case(s) as follows: 1495 DAYS. I agree that if the Judge gives me credit for time served as stipulated, and if the Department of Corrections likewise gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

MPW 19. Unless otherwise agreed to in the PLEA AGREEMENT below, I recognize that if I have been told by my attorney that I might receive probation or a light sentence, this is merely his/her opinion or estimate and is not binding on the Judge. I further understand that if I am sentenced to incarceration in the county jail or state prison, that I cannot rely upon anyone's, including my attorney's, estimation of how much time I will actually serve as a result of my plea. I understand that credit for gain time, past or future, will be determined by the Department of Corrections, and that the Judge in this case has no control over that determination. Other than the terms of the PLEA AGREEMENT below, if any, no promise or suggestion of any kind has been made to me, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this plea, nor has anyone subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

PLEA AGREEMENT

MPW

The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows (NO ABBREVIATIONS):

- COURT TO DETERMINE SENTENCE

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT I HAVE READ AND UNDERSTAND THIS ENTIRE DOCUMENT. THE INFORMATION IN EACH PARAGRAPH INITIALED BY ME IS TRUE. THE INFORMATION IN THE PARAGRAPHS NOT INITIALED BY ME DOES NOT APPLY TO ME OR MY CASE.

Signed and dated this 16th day of August, 2016

[Signature]
Defendant

Signed by me this 16th day of August, 2016

[Signature]
Defense Attorney

Signed by me this 16 day of August, 2016

[Signature]
Prosecuting Attorney

CERTIFICATE OF COUNSEL

The undersigned attorney for the Defendant certifies as follows:

20. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in this petition are voluntary and in all respects accurate and true. S/he fully understands them.

21. I have read and explained to the Defendant the allegations contained in the Violation of Probation/Community Control Report(s) specified in Paragraph 3 hereof. I have discussed with the Defendant the facts and circumstances about the allegations of violation of probation/community control. I have explained to the Defendant the possible penalties to which s/he may be subjected as a result of this plea. (Initial the paragraph that applies.)

 a.

I believe the defendant and I are fully informed on all such matters. I have fully investigated this case and all witnesses for and against the defendant (including alibi witnesses if any were revealed to me). I have discussed with the Defendant the defenses available to him/her and motions that might be filed on the Defendant's behalf.

[Signature]

Because the Defendant wishes to accept the State's plea offer, with the Defendant's agreement, I have not fully investigated his/her case or talked to all of the witnesses.

22. The plea entered by the Defendant is in accord with my understanding of the facts, the law and possible defenses. If the Defendant is to receive a sentence of incarceration, I have not promised the Defendant that s/he will serve a specific length of time incarcerated. I have made no promises to the Defendant that are not set forth in this agreement to induce him/her to enter this plea, nor have I threatened, coerced or intimidated the Defendant in any way to induce him/her to enter this plea.

23. Having discussed this matter fully with the Defendant, it is my opinion that s/he is mentally and physically competent, and there is no mental or physical condition which would affect his/her understanding of these proceedings. I have no reason to believe that s/he is under the influence of drugs or alcohol at this time. The exceptions to this are listed in Paragraph 8.

24. I have explained to the Defendant the difference between a direct appeal and a collateral attack upon his/her conviction. I have advised the Defendant that if s/he is now pleading to a "sexually violent offense" or if s/he has previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, s/he may be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Section 394.910, et. seq., Florida Statutes, which allows the State to commit to a secure treatment facility 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.

Signed by me this 16th day of AUGUST, 2016

Defendant's Attorney

ORDER ACCEPTING PLEA

Based upon the sworn testimony of the Defendant in open court, based upon my review of the court file(s), and based upon the dialogue between the Defendant, the Defendant's attorney, the Prosecuting Attorney, and the Judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the Defendant; I find that there is a factual basis to support the plea; and, I find that the Defendant was represented by a competent attorney with whom the Defendant says s/he is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis:

IT IS ORDERED AND ADJUDGED that the Defendant's plea be

(☒) accepted

(☐) rejected

(☐) accepted conditionally: _____

DONE AND ORDERED in open Court this 16th day of AUGUST, 2016.

Circuit Judge

Officer	Kinsaul
Office Location	080 Gainesville
Judge/Division	Colaw / Baker

STATE OF FLORIDA

VS

Misty Rose Weed
Defendant

IN THE CIRCUIT COURT

BAKER COUNTY, FLORIDA

DC No. G14060

Docket/UC No. 02-2004-CF-500-A

AMENDED AS TO SENTENCE

ORDER OF REVOCATION OF DRUG OFFENDER PROBATION

THIS CAUSE was considered on a violation of Drug Offender Probation charge brought by the State. The defendant was placed on Drug Offender Probation on 3/17/15 for the offense of Robbery – No Firearm or Weapon in the Circuit Court of Baker County, for a term of (2) years in accordance with the provisions of Chapter 948 Florida Statutes. The defendant has not properly conducted herself and violated the conditions of Drug Offender Probation in a material respect by

The defendant violated conditions 05 of the Order of Probation/Community Control and is sentenced as follows:

- Adjudicated guilty
- Probation revoked and sentenced to (15) years Department of Corrections with credit for (1495) days time served.
- All monetary obligations reduced to a civil judgment
- Cost of Supervision closed with balance owed.

Therefore, it is ORDERED AND ADJUDGED that the defendant's Drug Offender Probation is revoked in accordance with Section 948.06 Florida Statutes. The defendant is remanded to the custody of the sheriff of Baker County for the imposition of sentence in accordance with the requirements of law.

DONE AND ORDERED ON August 18th 2016

Nunc Pro Tunc August 16th 2016



JAMES M. COLAW
Circuit Court Judge

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA**

☒ Probation Violator
☐ Community Control Violator

☐ Retrial
☐ Resentence

STATE OF FLORIDA

CASE NO. 02-2004-CF-500-A

vs

Misty Rose Weed
Defendant

JUDGMENT

The defendant, Misty Rose Weed, being personally before this Court,
Defense represented by George Nelson, the attorney of record, and the
State represented by Ralph Lazaliya, and having

- ☐ been tried and found guilty by jury/by court of the following crimes(s)
☐ entered a plea of guilty to the following crime(s)
☒ entered a plea of nolo contendere to the following crime(s)

2015 MAR 17
FILED FOR RECORD

Count	Crime	Offense Statute Number(s)	Degree of Crime
I	Robbery	812.13 2c	2 nd F 3:55

☒ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)

☐ and good cause being shown, IT IS ORDERED THAT ADJUDICATION TO GUILTY BE WITHHELD.

☒ **BLOOD/BIOLOGICAL SPECIMENS:** Pursuant to FLA. STAT. § 943.325, the defendant having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty to, regardless of adjudication, to attempts of offenses relating to sexual battery, FLA. STAT. CH. 794; lewd and lascivious conduct, FLA. STAT. Ch. 800; murder, FLA. STAT. § 782.04; aggravated battery, FLA. STAT. § 784.045; carjacking, FLA. STAT. § 812.133; home invasion robbery, FLA. STAT. § 812.135; burglary, FLA. STAT. § 810.02; robbery, FLA. STAT. § 812.13; robbery by sudden snatching, FLA. STAT. § 812.131; kidnapping/false imprisonment/luring

Misty Post Weed
Defendant

Case No. 02-2004 CF 500 A

Or enticing/custody offense, Fla. Stat. Ch. 787; aggravated manslaughter of elderly/disabled adult or child or any other offense specified in FLA. STAT. § 943.325, shall be required to submit two specimens of blood or other biological specimens approved by the Department of Law Enforcement to the Florida Department of Law Enforcement.

- EFFECTIVE JULY 1, 2004 – Adds: Any forcible felony, FLA. STAT. § 776.08; aggravated child abuse, FLA. STAT. § 827.03(2); aggravated abuse of elderly or disabled adult, FLA. STAT. § 825.102(2); any felony involving use or possession of firearm.
- EFFECTIVE JULY 1, 2005 – Any felony offense
- ☐ PROSTITUTION: Pursuant to FLA. STAT. § 796.08(3), the defendant, having been convicted under FLA. STAT. § 796.07 of prostitution or procuring another to commit prostitution, must undergo screening for a sexually transmissible disease, including, but not limited to screening to detect exposure to human immunodeficiency virus, under the direction of the Department of Health.
- ☐ HIV TESTING: Pursuant to FLA. STAT. § 775.0877, the defendant, having been convicted of or having pled nolo contendere or guilty to regardless of whether adjudication is withheld, any of the following offenses, or attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another: FLA. STAT. § 794.011, relating to sexual battery; FLA. STAT. § 826.04, relating to incest; FLA. STAT. §§ 800.04(1)(2) and (3), relating to lewd, lascivious, or indecent assault or act upon any person less than 16 years of age; FLA. STAT. §§ 784.011, 784.07(2)(a), and 784.08(2)(d), relating to assault; FLA. STAT. §§ 784.021, 784.07(2)(c) and 784.08(2)(b), relating to aggravated assault; FLA. STAT. §§ 784.07(2)(b) and 784.08(2)(c), relating to battery; FLA. STAT. §§ 784.045, 784.07(2)(d) and 784.08(2)(a), relating to aggravated battery; FLA. STAT. § 827.03(1), relating to child abuse; FLA. STAT. § 827.03(2), relating to aggravated child abuse; FLA. STAT. § 825.102(1), relating to abuse of an elderly person or disabled adult; FLA. STAT. § 825.102(2), relating to aggravated abuse of an elderly person or disabled adult; FLA. STAT. § 827.071, relating to sexual performance by person less than 18 years of age; FLA. STAT. §§ 796.03, 796.07 and 796.08, relating to prostitution; or FLA. STAT. § 381.0041 (11)(b), relating to donation of blood, plasma, organs, skin, or other human tissue, shall undergo HIV testing to be performed under the direction of the Department of Health.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

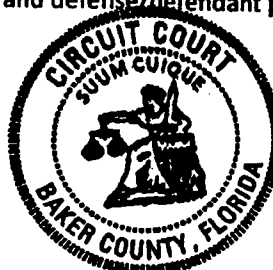
DONE AND ORDERED in open court in Macclenny, Baker County, Florida this 17th day of March, 2015.

Mark W. Moseley
MARK W. MOSELEY, CIRCUIT JUDGE

FILED in open court March 17, 2015, By: Regina Berger, D.C. RL

Pursuant to Florida Rule of Criminal Procedure 3.670, I HEREBY CERTIFY THAT A COPY OF THE JUDGMENT AND SENTENCE was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se this 17th day of March, 2015.

BY Deputy Clerk: Regina Berger RL



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

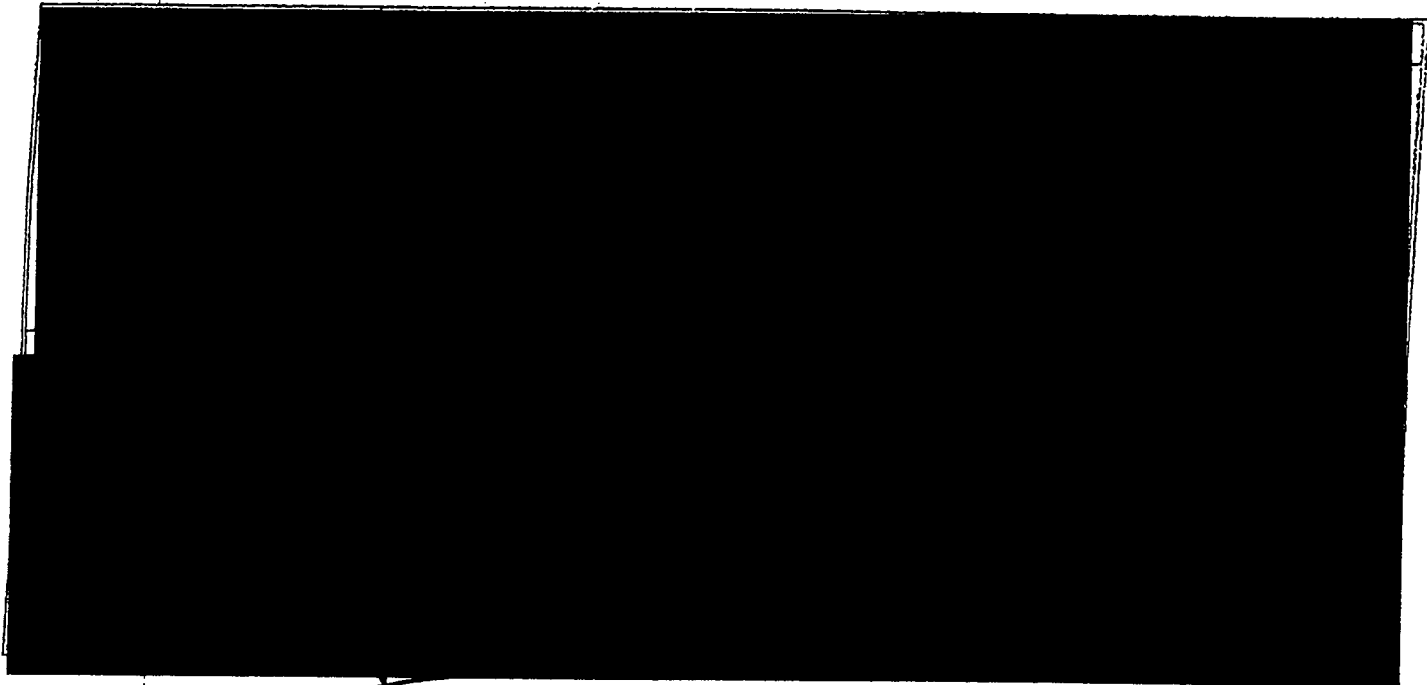
STATE OF FLORIDA

CASE NO. 040050007A

vs.

WEED, Misty Rose
Defendant

FINGERPRINTS OF DEFENDANT



Fingerprints taken by: Name James Rhoden Title D/S

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, WEED, Misty Rose, and that they were placed thereon by said defendant in my presence in open court this 17th day of March, 2015.

[Signature]
CIRCUIT JUDGE

☒ Probation Violator
☐ Community Control Violator

☐ Retrial
☐ Resentence

STATE OF FLORIDA

CASE NO. 02-2004 -CF- 500 -A

^{vs.}
Misty Rose Weed
Defendant

SENTENCE

(As to Count I)

The defendant, being personally before this Court, accompanied by the defendant's attorney of record George Nelson and having been adjudicated guilty herein, and the Court, having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown.

(CHECK ONE IF APPLICABLE)

- ☐ and the Court, having on (date) _____ deferred imposition of sentence until this date.
☐ and the Court, having previously entered a Judgment in this case on (date) _____, now resentsences the defendant .
☐ and the Court, having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

IT IS THE SENTENCE OF THE COURT THAT:

- ☐ The defendant shall pay a fine pursuant to FLA. STAT. §775.083 [in the Order Establishing Financial Obligations].
☐ The defendant is hereby committed to the custody of the State of Florida Department of Corrections.
☐ The defendant is hereby committed to the custody of the Baker County Jail.
☐ The defendant is sentenced as a youthful offender in accordance with FLA. STAT. §958.04.

TO BE IMPRISONED (CHECK ONE: UNMARKED SECTIONS ARE INAPPLICABLE).

- ☐ For a term of natural life.
☐ For a term of _____.
☐ Said SENTENCE SUSPENDED for a period of _____, subject to conditions set forth in this order.
☐ Defendant shall report to the Baker County Jail to begin the sentence on _____ at _____ AM/PM.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH:

- ☐ Followed by a period of _____ on probation/community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
☐ However, after serving a period of _____ Imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____, under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve an additional split sentence, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

SENTENCE STRUCTURE:

- ☐ Jail Credit: Pursuant to FLA. STAT. §921.161(1) or FLA. STAT. §921.0017, the defendant shall be allowed a total of _____ days as credit for time incarcerated before imposition of this sentence.
☐ Prior Prison/Confinement Credit: The defendant shall be allowed credit for any prior prison confinement before imposition of this sentence. The Florida Department of Corrections shall calculate this credit.
☐ As to other count(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence set forth in count(s) _____ of this case.
☐ As to other case(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence in case number(s) _____

Defendant, Misty Rose Weed

Case No. 02-2004-CF-500-A

As to any other active sentence(s) being served: The sentence imposed for this count shall run (check one)

☐ consecutive ☐ concurrent with any other active sentence(s).

☐ As to specific sentence(s): The sentence imposed for this count shall run (check one)

☐ consecutive to ☐ concurrent with specific sentence(s) named: _____

In imposing the above sentence, the Court further orders: (Drug Offender)
2 years probation; random
Drug Screening; previous terms for C.O.S.; Cooperate
w/ Dept. of Children & Families

In imposing the above sentence, the court further recommends: _____

AS OF OCTOBER 1, 2003: Pursuant to FLA. STAT. § 921.16(3), the Court shall not direct that sentences run "coterminously" with another sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Baker County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department, together with a copy of the judgment and sentence and any other documents specified by Florida Statutes.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

DONE AND ORDERED in open court in Macclenny, Baker County, Florida this 17th day of March 2015.

Mark W. Moseley
MARK W. MOSELEY, CIRCUIT JUDGE

Filed in open court March 17 2015, by: Regina Berger, D.C. RL

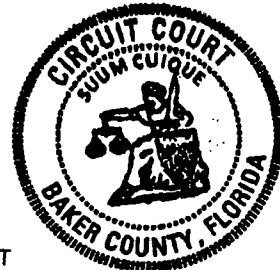
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BY: Regina Berger, D.C. RL

REVISED 10/1/2003

PAGE 5 OF 7

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA



VS
Misty Rose Weed

Defendant

ORDER ESTABLISHING FINANCIAL OBLIGATIONS GENERAL

The defendant shall pay the following sums if checked:

MANDATORY COSTS**THESE COSTS SHALL NOT BE WAIVED BY THE COURT**

- ☐ a. \$ 350.00 **Felony Costs** pursuant to Fla. Stat. Trust Fund): Fla. Stat. § 938.05(1)(a) (\$225.00) (Local Government Criminal Justice Trust Fund); Fla. Stat. § 938.15 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1. (\$50.00) Crime Prevention-Court Costs, pursuant Fla. Stat. § 775.083(2), PLUS (\$20.00) Crime Stopper Surcharge, pursuant to Fla. Stat. § 938.06(1)
- ☐ b. \$ 155.00 **Misdemeanor Costs** pursuant to Fla. Stat. § 938.03 (\$50.00) (Crimes Compensation Trust Fund); Fla. Stat. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); Fla. Stat. § 938.05(1)(b) (\$60.00) (Local Government Criminal Justice Trust Fund); Fla. Stat. § 938.15 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1. (\$50.00) Crime Prevention-Court Costs, pursuant Fla. Stat. § 775.083(2), PLUS (\$20.00) Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1).
- ☒ c. \$ 65.00 **County Funding/Legal Aid/Law Library/Teen Court - Assessment of Additional Court Costs** pursuant to Fla. Stat. § 939.185, by Baker County Ord. 2004-35.
- ☒ d. \$ 50.00 **Attorney Application Fee** - per affidavit pursuant to Fla. Stat. § 27.52(1)(b).
- ☒ e. \$ 100.00 **Felony Costs for the State Attorney** - All felony, VOP or VOCC cases, regardless of adjudication pursuant to Fla. Stat. § 938.27(8)
- ☐ f. \$ 50.00 **Misdemeanor Costs for the State Attorney** - All misdemeanor or VOP cases regardless of adjudication pursuant to Fla. Stat. § 938.27(8)
- ☒ g. \$ 100.00 **Felony Costs of Legal Assistance** - All felony, VOP or VOCC cases regardless of adjudication pursuant to Fla. Stat. § 938.29(1)(a).
- ☐ h. \$ 50.00 **Misdemeanor Costs of Legal Assistance** - All misdemeanor or VOP cases, regardless of adjudication pursuant to Fla. Stat. § 938.29(1)(a).
- ☐ i. 3.00 **TEEN COURT** by Baker County Ord. 2005-54
- ☐ j. \$ _____ **Liquidated Damages, Other than Capital or Life Felonies:** Fla. Stat. § 960.293(2)(b): \$50.00 per day of sentence (Cost of Sentence Incarceration).
- ☐ k. \$250,000.00 **Liquidated Damages, Capital or Life Felonies:** Fla. Stat. § 960.293(2)(a) Cost of Sentence Incarceration.
- ☐ l. **PREVIOUSLY ORDER FINANCIAL OBLIGATIONS ARE REDUCED TO CIVIL JUDGMENT, FLA. STAT. § 938.30(6).**
- ☐ m. **PAY PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS.**

DISCRETIONARY FINES

- ☐ a. \$ _____ **TOTAL Standard Fine:** _____ pursuant to Fla. Stat. § 775.083(1): a.) Life Felony: up to \$15000.00; b.) 1st or 2nd Degree Felony: up to 10,000.00 c.) 3rd Degree Felony: up to \$5000.00; d.) 1st Degree Misdemeanor; up to \$1,000.00; e.) 2nd Degree Misdemeanor or non-criminal violation up to \$500.00; f.) Alternatively, may impose double offender's pecuniary gain or victim's pecuniary loss PLUS 5% surcharge \$ _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 FELONY / \$20.00 MISD. Crime Prevention - Court Costs pursuant to Fla. Stat. § 775.083(2).
- ☐ b. \$ _____ **TOTAL Additional Fine for Offense Resulting in Injury/Death up to \$10,000.00, FINE:** _____ pursuant to Fla. Stat. § 775.083(1) PLUS 5% Surcharge _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06 (1), PLUS \$50.00 Crime Prevention-Court Costs, pursuant to Fla. Stat. § 775.09 (2). (Additional findings required).

MANDATORY FINES (DUI AND BUI §316.193)

- ☐ a. \$ _____ **Fine \$ _____, PLUS \$135.00 court costs** pursuant to Fla. Stat. § 938.07. PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 FELONY/\$20.00 MISD. Crime Prevention Court Cost Pursuant to Fla. Stat. § 775.083(2).
- ☐ First Conviction
- ☐ Second Conviction
- ☐ Third Conviction
- ☐ Fourth Conviction

DISCRETIONARY COSTS (DUI AND BUI §316.193)

- ☐ a. \$ _____ **Court Cost, in Addition to any Fine, up to amount of fine authorized.** Enumerated Fla. Stat §938.23, 938.21 & 893.165.

RESTITUTION/REIMBURSEMENT [§775.089]

- ☐ a. \$3.50/Payment **Clerk of Court fee: per payment** for receiving and disbursing all "restitution" payments, pursuant to Fla. Stat. § 28.24(26)(a)
- ☐ b. \$ 5.00 / Month **Clerk of Court fee: per month / all partial payment "other than restitution" payments,** pursuant to Fla. Stat. § 28.24 (26) (b)
- ☐ c. \$25.00 / FEE **Clerk of Court fee: For setting up payment plan, a one time administrative processing charge in lieu of a per month charge,** pursuant to Fla. Stat. §28.24(26)(c)
- ☐ d. \$ _____ **Restitution Imposed by separate Civil Restitution Lien Order, which is incorporated herein by reference, or as may be determined at A hearing, after notice, within 60 days (Number of Liens _____)** Fla. Stat. §960.292(2)
- ☐ e. **COURT RESERVES JURISDICTION FOR THE IMPOSITION OF RESTITUTION/REIMBURSEMENT PAYMENT REQUIREMENTS, a hearing is scheduled for _____, 20 _____ at _____ AM/PM. Baker County Courthouse, 339 E. Macclenny Ave., Macclenny, FL 32063**

DISCRETIONARY COSTS

- ☐ a. \$ _____ **Public Defender Costs and Fees** (if requested) "by separate order with specificity of agency," or as may be determined at hearing after notice, within 60 days, Fla. Stat. §938.27. This is in addition to the mandatory imposition listed above.
- ☐ b. \$ _____ **Medical Expenses** incurred while in county jail pursuant to Fla. Stat. § 951.032.
- ☐ c. \$ _____ **Misdemeanor Probation** [Only by County Court] supervising agency's fee (Court Services or Clerk of Court) Not less than \$40/month
- ☐ d. \$ _____ **Costs of Investigation and Prosecution** (if requested), "by separate order with specificity of agency", or as may be determined at hearing after notice, within 60 days, Fla. Stat. § 938.27. This is in addition to the mandatory imposition listed above.
- ☐ e. \$ _____ **Florida Crimes Lab (FDLE) Violations** of Fla. Stat. § 893.13 pursuant to Fla. Stat. § 938.25, by separate order.
- ☐ f. \$ _____ **State Attorney Worthless Check Fees** (if participating in diversion program): ☐ a) \$25.00 if face value does not exceed \$50.00, # of checks _____ ☐ b) \$30.00 if face value does not exceed \$300.00, # of checks _____ ☐ c) \$40.00 if the face value is more that \$300.00, # of checks _____, Fla. Stat. § 832.08(5)

Misty Rose Weed
Defendant

022014 - CF- 500 - A
Case Number

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REIMBURSEMENT FOR SPECIFIC CRIMES

- ☐ a. \$ _____ Specimen Collection Expense: Fla. Stat. § 943.325(10)(a), Applies to ALL felony, VOP or VOCC cases.
- ☐ b. \$ _____ Victim's Initial Forensic Physical Examination: Fla. Stat. § 960.28(6) [applies to ch. 794 (sexual battery); ch. 800 (lewd and lascivious) (payable to Crimes Compensation Trust Fund)].
- ☐ c. \$ _____ Child Abuse/Abandonment/Neglect Physical Examination/Photographs: Fla. Stat. § 39.304(5) (ONLY IF Defendant is parent or legal custodian).
- ☐ d. \$ 100.00 Florida Crimes Lab (FDLE Lab) Violations of Fla. Stat. § 893.13 pursuant to Fla. Stat. § 938.25, by separate order.
- ☐ e. \$ _____ Victim Assistance Award – Debt to State Pursuant to Fla. Stat. § 960.17.

OTHER SPECIFIC CRIMES – FINES / CIVIL PENALTIES / SURCHARGES

- ☐ a. \$ _____ Non-support of Dependents (FELONY) (Fine) pursuant to Fla. Stat. § 827.06(3): 4th or subsequent OR regardless of prior convictions if arrearage is more than one year in an amount of \$6,000 or more; Treat as third-degree felony (fine up to \$5,000). FINE: _____ PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04. PLUS \$20.00 Crime Stopper surcharge pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention – Court Costs, pursuant to Fla. Stat. § 775.083 (2).
- ☐ b. \$ 201.00 Domestic Violence (\$201.00 Surcharge), Domestic Violence Trust Fund pursuant to Fla. Stat. § 938.08. Violations of Fla. Stat. § 784.011 (assault); Fla. Stat. § 784.03 (battery/felony battery); Fla. Stat. § 784.041 (felony battery); Fla. Stat. § 784.045 (aggravated battery); Fla. Stat. § 784.07 (assault or battery LEO + special people); Fla. Stat. § 784.04 (assault or battery on victim 65+ years old); Fla. Stat. § 784.081 (assault or battery on specified officials or employees); Fla. Stat. § 784.082 (assault or battery BY a detainee); Fla. Stat. § 784.083 (assault or battery on code inspectors); Fla. Stat. § 784.085 (battery on child by using fluids); Fla. Stat. § 794.011 (sexual battery); Fla. Stat. § 741.28 (domestic violence).
- ☐ c. \$ 101.00 Crimes Against Minors (\$101.00 Court Costs) DCF Children Advocacy Trust Fund pursuant to Fla. Stat. § 938.10, in addition to any other costs or penalty required by law for any offense against a minor in violation of Fla. Stat. § 784.085 (battery on child by using fluids); ch. 787 (kidnapping; false imprisonment; luring or enticing a child, custody offenses); ch. 794 (sexual battery); Fla. Stat. § 796.03 (procuring person under age of 18 for prostitution); Fla. Stat. § 800.04 (lewd or lascivious offenses committed upon/presence less than 16 years of age); ch 827 (abuse of children); Fla. Stat. § 847.0145 (selling/buying minors); or Fla. Stat. § 985.701 (sexual misconduct).
- ☐ d. \$ 151.00 Rape Crisis (\$151.00 Surcharge) Rape Crisis Program Trust Fund pursuant to Fla. Stat. § 938.085, in addition to any sanction imposed for a violation of Fla. Stat. § 784.011 (assault); Fla. Stat. § 784.02 (aggravated assault); Fla. Stat. § 784.03 (battery/felony battery); Fla. Stat. § 784.011 (felony battery); Fla. Stat. § 784.045 (aggravated battery); Fla. Stat. § 784.048 (stalking); Fla. Stat. § 784.07 (assault or battery LEO or special people); Fla. Stat. § 784.08 (assault or battery on victim 65+ years old); Fla. Stat. § 784.081 (assault or battery on specified officials or employees); Fla. Stat. § 784.082 (assault or battery BY a detainee); Fla. Stat. § 784.083 (assault or battery on code inspectors); Fla. Stat. § 784.085 (battery on child by using fluids); Fla. Stat. § 794.011 (sexual battery).
- ☐ e. \$ 500.00 Violations of Fla. Stat. § 796.07(2)(f) (Soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness or assignation) pursuant to Fla. Stat. § 796.07(6): FELONY – 3rd OR SUBSEQUENT VIOLATION SHALL be assessed a civil penalty of \$500.00 if violation results in disposition other than acquittal or dismissal. [Shall be paid through Clerk of Court to disburse to Eighth Judicial Circuit Court Administrator.][See judgment and sentence for additional non-monetary penalties.]
- ☐ f. \$ _____ Assault or Battery on 65+, Fla. Stat. § 784.08(1), Fine not to exceed \$10,000. Fine _____, PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04 PLUS \$20.00 Crime Stopper Surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention Court Costs, pursuant to Fla. Stat. § 775.083(2). [See judgment and sentence for additional non-monetary penalties.]
- ☐ g. \$ _____ Enumerated Thefts (Fla. Stat. § 812.012 – 812.037) (supplemental fine); pursuant to Fla. Stat. § 812.032 amount not to exceed twice gross value gained or twice gross loss caused, whichever is greater FINE: _____, PLUS 5% surcharge _____ pursuant to Fla. Stat. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to Fla. Stat. § 938.06(1), PLUS \$50.00 Crime Prevention Court Costs pursuant to Fla. Stat. § 775.083(2), [Upon Motion of the State Attorney] PLUS costs of investigation and prosecution by separate order.

DRUG OR ALCOHOL – OTHER THAN DUI OR BUI

- ☐ a. \$ _____ COURT COST IN ADDITION TO ANY FINE up to amount of fine authorized, Enumerated ch. 893 (drug abuse); Fla. Stat. § 856.011 (disorderly intoxication); Fla. Stat. § 856.015 (open house parties); (beverages); ch. 567 (alcoholic beverages local option); ch 568 (Intoxicating liquors where prohibited); pursuant to Fla. Stat. §§ 938.23. 938.21 & 893.164 (IF DUI OR BUI; SEE DUI OR BUI SECTION ON PAGE ONE)

TOTAL FINANCIAL OBLIGATIONS SHALL BE PAID AS FOLLOWS:

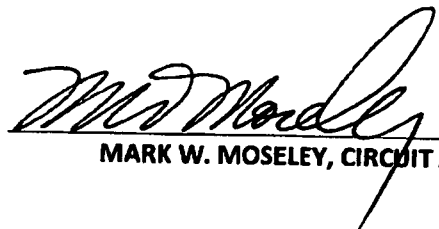
- ☒ a. Through defendant's probation officer in equal monthly installments in an amount sufficient to pay the total sum in full three months before the end of the probationary period.
- ☐ b. Through the Baker County Clerk of Court, 339 E. Macclenny Avenue, Suite 113, Macclenny, Florida 32063.
- ☐ c. Civil Judgment(s) shall be entered for the ordered sums.
- ☐ d. Pursuant to Fla. Stat. § 938.30, defendant's financial obligations are converted into a court-ordered obligation to perform community service hours at the rate of the current minimum wage and defendant must show proof of completion to the Baker County Clerk of Court, 339 E. Macclenny Avenue, Macclenny, FL 32063 or the probation officer. The Foregoing costs are in addition to any financial obligation the Court may have ordered in a separate order of probation or community control.

DONE AND ORDERED in open court at Macclenny, Baker County, Florida this 17th day of March, 2015.

Copies furnished to:

Assistant State Attorney
Counsel for Defendant

Probation and Parole


MARK W. MOSELEY, CIRCUIT JUDGE

STATE OF FLORIDA

IN THE EIGHTH JUDICIAL
CIRCUIT COURT, IN AND FOR
BAKER COUNTY

-VS-

FILED FOR RECORD

MISTY ROSE WEED

2015 MAR 17 P 3:55

CASE NUMBER 02-2004-CF-500-A

Defendant

DC NUMBER G10460

Local Jurisdiction Identification Number: _____

ORDER OF DRUG OFFENDER PROBATION

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you having

- | | |
|--|---|
| <input type="checkbox"/> entered a plea of guilty to | <input type="checkbox"/> been found guilty by jury verdict of |
| <input checked="" type="checkbox"/> entered a plea of nolo contendere to | <input type="checkbox"/> been found guilty by the court trying the case without a jury of |

Count 1 ROBBERY

Count _____

Count _____

Count _____

Count _____

Count _____

Count _____

Count _____

SECTION 1: JUDGMENT OF GUILT

- ☒ The court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Probation for a period of 2 YEARS under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: ORDER WITHHOLDING ADJUDICATION

- ☐ Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

It is hereby ordered and adjudged that you be:

- ☐ committed to the Department of Corrections for a term of _____ prison with credit for _____ jail time, followed by Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.
- or
- ☐ confined in the County Jail for a term of _____ with credit for _____ jail time. After you have served _____ of the term, you shall be placed on Probation for a period of _____ under the supervision of the Department of Corrections, subject to Florida law.
- or
- ☐ confined in the County Jail for a term of _____ with credit for _____ jail time, as a special condition of supervision.

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

- (1) You will report to the probation officer as directed.
- (2) You will pay the State of Florida the amount of \$PREVIOUS per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.
- (3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.
- (4) You will not possess, carry or own any firearm. You will not possess, carry, or own any weapon without first procuring the consent of your officer.
- (5) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control, or any other form of court ordered supervision.
- (6) You will not associate with any person engaged in any criminal activity.
- (7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.
- (8) You will work diligently at a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.
- (9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.
- (11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where you are receiving treatment to determine the presence or use of alcohol or controlled substances.
- (12) You will submit a DNA sample, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department's website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07, F.S.
- (14) You will report in person within 72 hours of your release from incarceration to the probation office in BRADFORD County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 1200 ANDREWS CIRCLE NORTH, STARKE, FLORIDA 32091, PHONE 904-368-3600.

SPECIAL CONDITIONS

- ☒ 1. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless waived by the court.
Additional instructions ordered: complete recommended treatment.

SPECIAL CONDITIONS – CONTINUED

- ☐ 2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:
NAME: _____
TOTAL AMOUNT: \$ _____
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

NAME: _____
TOTAL AMOUNT: \$ _____
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: _____

- ☒ 3. You will be required to pay for drug testing unless exempt by the court.
- ☐ 4. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment program/Probation and Restitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.
- ☒ 5. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.
- ☒ 6. You will submit to urinalysis testing on a monthly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.
- ☒ 7. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.
- ☐ 8. You will successfully complete _____ hours of community service at a rate of _____, at a work site approved by your officer.
Additional instructions ordered: _____
- ☐ 9. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.
- ☐ 10. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ _____ per month for the cost of the electronic monitoring service.
- ☐ 11. You will not associate with _____ during the period of supervision.
- ☐ 12. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.
- ☐ 13. You will have no contact (direct or indirect) with _____ during the period of supervision.
- ☐ 14. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision.
- ☐ 15. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.
- ☐ 16. You will successfully complete the Probation & Restitution Program, abiding by all rules and regulations.
- ☐ 17. You will attend a support group with a focus on _____ at least monthly, unless otherwise directed by the court.
- ☐ 18. You must successfully complete Anger Management, and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court.
Additional instructions ordered: _____
- ☐ 19. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.

- ☐ 20. If you have been found to have committed a crime on or after October 1, 2008 for the purpose of benefitting, promoting, or furthering the interests of a criminal gang, you are prohibited from knowingly associating with other criminal gang members or associates, except as authorized by law enforcement officials, prosecutorial authorities, or the court, for the purpose of aiding in the investigation of criminal activity.
- ☐ 21. You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.
- ☐ 22. If you are required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607, F.S., you will undergo an evaluation, at your expense, by a qualified practitioner to determine whether you need sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and recommended, you must successfully complete and pay for the treatment as provided in s. 948.31, F.S.
- ☒ 23. Other: CO-OPERATE WITH ANY DCF CASE PLAN.
- ☐ 24. Other: _____
- ☐ 25. Other: _____
- ☐ 26. Other: _____

AND, IF PLACED ON DRUG OFFENDER PROBATION, YOU WILL COMPLY WITH THE FOLLOWING CONDITION OF SUPERVISION IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

- (15) You will participate in a specialized drug treatment program, either as an in-patient or out patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed.
Additional instructions ordered: _____

- ☐ (16) You will remain at your residence between _____ p.m. and _____ a.m. due to a curfew imposed, unless otherwise directed by the court.
- ☐ (17) You will successfully complete a Post-adjudicatory treatment-based drug court program, as provided in s. 397.334(3), F.S.

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

Effective for offenders who are subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(a)(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; the following conditions are imposed in addition to all other conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

YOU ARE HEREBY PLACED ON NOTICE that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

IT IS FURTHER ORDERED that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

OTHER OBLIGATIONS IMPOSED

- ☒ **\$ 2.00** Per month for each month of supervision for Training Trust Fund Surcharge, pursuant to s.948.09, F.S.
- ☐ **\$ _____** Other: _____
- ☐ **\$ _____** Other: _____


Payments processed through the Department of Corrections will be assessed a 4% surcharge pursuant to s. 945.31, F.S.

- ☐ Court Costs/Fines Waived
- ☐ Court Costs/Fines in the amount of _____ converted to _____ community service hours
- ☐ Court Costs/Fines in the amount of _____ reduced to civil judgment.

SPECIFIC INSTRUCTIONS FOR PAYMENT: _____

IT IS FURTHER ORDERED that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

DONE AND ORDERED, on MARCH 17, 2015
NUNC PRO TUNC _____


Mark W. Mosley, Circuit Judge

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Date: _____

Instructed by: _____
Supervising Officer

Defendant

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

DATE
D.C.

vs.

MISTY ROSE WEED
Defendant.

CASE NO.: 02-2004-CF-000500-A
CRIMINAL DIVISION: _____

VIOLATION OF PROBATION/COMMUNITY CONTROL
PETITION TO ENTER A PLEA OF ADMISSION

(The Defendant must initial each paragraph that pertains to him/her
and indicate not applicable [N/A] to those that do not)

MRW 1. My full name is MISTY ROSE WEED and I am also known as
some college. I am 31 years of age. I have gone to school up to and including

MRW 2. I am represented by an attorney, who is GEORGE NELSON. I have told my attorney all
the facts and circumstances about the charges against me, motions I believe should be filed, defenses I believe I may have and
witnesses I believe I may have (including alibi witnesses). My attorney and I have discussed the allegations and charges against
me, the evidence in this case, including depositions, witnesses disclosed by the State, arrest reports and motions that may be
filed on my behalf. My attorney and I have discussed the physical evidence in this case and whether any DNA associated with
that physical evidence could exonerate me. I am satisfied that my attorney has sufficiently explained the State's case against me,
as well as any defenses that I may have against the State's case against me. I understand that by entering this plea, I waive (give
up) those issues and defenses. I am fully satisfied with my attorney's representation in these matters and I have no concerns
about the adequacy of my attorney's investigation and preparation of my case.

(Initial the paragraph that applies.)

a. _____ I believe that my attorney is fully informed on all such matters. S/he has properly investigated all
witnesses (including alibi witnesses), facts of this case, defenses available to me, and motions
appropriate to file on my behalf.

MRW b. Because I wish to accept the State's plea offer, at my request and with my agreement, my attorney
has not fully investigated my case nor talked to all of the witnesses.

MRW 3. I am pleading guilty/nolo contendere and admitting all of the allegations contained in the Violation of
Probation/Community Control Report(s) identified below except _____

CASE NUMBER	COUNT	CRIME	VOP/CC ALLEGATIONS (specify by VOP/CC report date)
<u>04-800CFD</u>	<u>I</u>	<u>ROBBERY (STRONG ARM)</u>	<u>2/10/15</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

MPW 4. I understand that I have the right to deny any and all allegations against me or, if I have entered a denial of the allegations, to persist in that denial and proceed to a hearing before the Judge. If I elect to proceed to a hearing, I understand that the hearing will be conducted by a Judge (and not before a jury), and at that hearing I have the right to the assistance of counsel, the right to compel the production of evidence and the attendance of witnesses on my behalf, the right to confront and cross-examine witnesses against me, and the right not to be compelled to incriminate myself. I have the right to take the witness stand at my sole option, and if I do not take the witness stand, I understand that this may not be held against me. I understand that by admitting the violations of probation/community control, I waive and give up my rights as listed in this paragraph and that there will be no hearing. I further understand that if I admit to the allegations of violation of probation/community control, the Judge may ask me questions about the allegations to which I have admitted. I am not required to answer those questions and if I decline to answer those questions, my refusal may not be used against me by the Judge or anyone else. If I answer those questions under oath, on the record, and in the presence of counsel, the answers may later be used against me in a prosecution for perjury.

MPW 5. I understand that if I admit the allegations of violation of probation/community control, I give up my right to a direct appeal. I further understand, however, that I do not give up my right to appellate review by collateral attack as that term has been explained to me by my attorney.

MPW 6. I have been advised that the statutory maximum possible sentence for the charge(s) to which I am pleading is 15 years imprisonment and/or a fine of \$ 10,000.

- ☐ a. The mandatory minimum penalty is _____.
- ☐ b. The Court cannot withhold adjudication of guilt.
- ☐ c. The Court cannot place me on probation.

MPW 7. I am presently on probation/community control in other case(s) unconnected to this case(s). I understand that by admitting the violations of probation/community control in this case, it may cause revocation of my probation/community control in the other case(s) and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to (in addition to) any sentence in any other case in which I am on probation/community control.

MPW 8. I believe that I am competent to enter this plea. My physical and mental health are presently satisfactory. The exceptions are: _____

MPW 9. At this time I am taking the following medications: _____

I am not under the influence of any drugs or intoxicants to the extent that my normal faculties are impaired.

MPW 10. My attorney has advised me of considerations bearing on the choice of which plea to enter, and the advantages and disadvantages of such plea, and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on Page 4 was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the plea agreement. **I BELIEVE THAT MY ATTORNEY HAS DONE ALL THAT A COMPETENT ATTORNEY COULD DO TO COUNSEL AND ASSIST ME. I AM SATISFIED WITH THE ADVICE AND HELP S/HE HAS GIVEN ME.** Even though I have been assisted and advised by my attorney, the decision to plead guilty/nolo contendere is mine alone and is made by me after considering the advice and counsel of my attorney.

MRW 11. I am entering this plea freely, knowingly, intelligently and voluntarily because I believe it to be in my best interest to do so. (Initial the paragraph that applies.)

_____ a. I admit that I am guilty of the allegations to which I am admitting.

_____ b. I believe that the plea is in my best interest even though I say that I am innocent of the allegations.

MRW c. I believe that the plea is in my best interest even though I neither admit nor deny that I am guilty of the allegations.

MRW 12. I understand that I will be required to pay statutorily mandated costs that will be assessed against me and in some cases mandatory fines, and that the Court may assess additional discretionary costs, fines and restitution. I have no objection to the costs, fines and restitution, which have been fully disclosed to me by my attorney and are set forth in the Notice of Financial Obligations. A copy of the Notice of Financial Obligations can be obtained at www.circuit8.org.

MRW 13. My attorney has advised me that at hearing the prosecution could present evidence to establish the facts set forth in the Violation of Probation/Community Control Report(s) and I agree that the Court may rely upon documents in the court's file, including the Violation of Probation/Community Control Report(s), for a factual basis for this plea.

MRW 14. I understand that if I am not a citizen of the United States, this plea may cause me to be deported.

MRW 15. **JIMMY RYCE WARNING:** My attorney has advised me that if I am now pleading to a "sexually violent offense" or if I have previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, my plea in this case could subject me 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.

_____ 16. I have read and understand that the information contained in Attachment(s) _____, attached hereto and incorporated herein, pertaining to _____

_____ applies to me and my case(s).

_____ 17. This document has been translated into _____ for the Defendant by _____ on _____, 20____.

MRW 18. The State and the Defendant stipulate and agree that the Defendant is entitled to credit for time I have already served in this/these case(s) as follows: 1457 DA 95. I agree that if the Judge gives me credit for time served as stipulated, and if the Department of Corrections likewise gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

MRW 19. Unless otherwise agreed to in the PLEA AGREEMENT below, I recognize that if I have been told by my attorney that I might receive probation or a light sentence, this is merely his/her opinion or estimate and is not binding on the Judge. I further understand that if I am sentenced to incarceration in the county jail or state prison, that I cannot rely upon anyone's, including my attorney's, estimation of how much time I will actually serve as a result of my plea. I understand that credit for gain time, past or future, will be determined by the Department of Corrections, and that the Judge in this case has no control over that determination. Other than the terms of the PLEA AGREEMENT below, if any, no promise or suggestion of any kind has been made to me, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this plea, nor has anyone subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

PLEA AGREEMENT

MRW

The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows (NO ABBREVIATIONS):

- COURT TO DETERMINE SENTENCE

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT I HAVE READ AND UNDERSTAND THIS ENTIRE DOCUMENT. THE INFORMATION IN EACH PARAGRAPH INITIALED BY ME IS TRUE. THE INFORMATION IN THE PARAGRAPHS NOT INITIALED BY ME DOES NOT APPLY TO ME OR MY CASE.

Signed and dated this 17 day of March, 2015

[Signature]
Defendant

Signed by me this 17th day of MARCH, 2015

[Signature]
Defense Attorney

Signed by me this 17th day of March, 2015

[Signature]
Prosecuting Attorney

CERTIFICATE OF COUNSEL

The undersigned attorney for the Defendant certifies as follows:

20. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in this petition are voluntary and in all respects accurate and true. S/he fully understands them.

21. I have read and explained to the Defendant the allegations contained in the Violation of Probation/Community Control Report(s) specified in Paragraph 3 hereof. I have discussed with the Defendant the facts and circumstances about the allegations of violation of probation/community control. I have explained to the Defendant the possible penalties to which s/he may be subjected as a result of this plea. (Initial the paragraph that applies.)

 a.

I believe the defendant and I are fully informed on all such matters. I have fully investigated this case and all witnesses for and against the defendant (including alibi witnesses if any were revealed to me). I have discussed with the Defendant the defenses available to him/her and motions that might be filed on the Defendant's behalf.

Gmb

Because the Defendant wishes to accept the State's plea offer, with the Defendant's agreement, I have not fully investigated his/her case or talked to all of the witnesses.

22. The plea entered by the Defendant is in accord with my understanding of the facts, the law and possible defenses. If the Defendant is to receive a sentence of incarceration, I have not promised the Defendant that s/he will serve a specific length of time incarcerated. I have made no promises to the Defendant that are not set forth in this agreement to induce him/her to enter this plea, nor have I threatened, coerced or intimidated the Defendant in any way to induce him/her to enter this plea.

23. Having discussed this matter fully with the Defendant, it is my opinion that s/he is mentally and physically competent, and there is no mental or physical condition which would affect his/her understanding of these proceedings. I have no reason to believe that s/he is under the influence of drugs or alcohol at this time. The exceptions to this are listed in Paragraph 8.

24. I have explained to the Defendant the difference between a direct appeal and a collateral attack upon his/her conviction. I have advised the Defendant that if s/he is now pleading to a "sexually violent offense" or if s/he has previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, s/he may be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Section 394.910, et. seq., Florida Statutes, which allows the State to commit to a secure treatment facility 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.

Signed by me this 17th day of March, 2015



Defendant's Attorney

ORDER ACCEPTING PLEA

Based upon the sworn testimony of the Defendant in open court, based upon my review of the court file(s), and based upon the dialogue between the Defendant, the Defendant's attorney, the Prosecuting Attorney, and the Judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the Defendant; I find that there is a factual basis to support the plea; and, I find that the Defendant was represented by a competent attorney with whom the Defendant says s/he is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis:

IT IS ORDERED AND ADJUDGED that the Defendant's plea be

(☒) accepted

(☐) rejected

(☐) accepted conditionally: _____

DONE AND ORDERED in open Court this 17th day of March, 2015



Circuit Judge

Appendix H

1

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 02-2004-CF-000500-A

Plaintiff/Appellee,

vs

Baker County Courthouse
Macclenny, Florida
Tuesday, August 24, 2010
Courtroom 2, 2:00 p.m.

MISTY R. WEED,

Defendant/Appellant.

COPY

TRANSCRIPT OF MODIFICATION OF PROBATION HEARING
BEFORE THE HONORABLE PETER K. SIEG
CIRCUIT JUDGE

APPEARANCES:

THE HONORABLE WILLIAM P. CERVONE, STATE ATTORNEY
Eighth Judicial Circuit of Florida, by:
RALPH M. YAZIDYA, ASSISTANT STATE ATTORNEY
339 East Macclenny Avenue
Macclenny, Florida 32063
Attorneys for the State

THE HONORABLE STACY A. SCOTT, PUBLIC DEFENDER
Eighth Judicial Circuit of Florida, by:
JULIE C. JOHNSON, ASSISTANT PUBLIC DEFENDER
81 North 3rd Street
Macclenny, Florida 32063
Attorneys for the Defendant

ALSO APPEARING:

JOHN HERRINGTON, PROBATION OFFICER

*Proceedings recorded electronically; transcript produced by
Pamela G. Smith, Digital Court Reporter
Baker County Court Reporting Office, Macclenny, Florida*

1 MACCLENNY, FLORIDA, TUESDAY, AUGUST 24, 2010, 2:00 P.M.

2 (The following proceedings were held, counsel and
3 defendant being present.)

4 MR. YAZDIYA: I'd like to call the case on Misty
5 Weed, number 15 and 16. Case number 04-500. Misty Rose
6 Weed.

7 MS. JOHNSON: This is Misty Weed, Your Honor. We
8 have a negotiated resolution of her case by which we'll be
9 asking the Court to modify her probation to include two years
10 of community control with electronic monitoring, which was
11 the alternative recommendation of the probation office, and
12 the State's in agreement with that.

13 The only question and concern that we have, Your
14 Honor, is that Ms. Weed does live in Duval County, and
15 ordinarily, she would have to report to Starke first and then
16 be transferred to Duval County. And my understanding is that
17 she has to be fitted with the electronic monitor immediately
18 upon her release.

19 We do believe that she has some family and friends
20 that could come and pick her up from the jail this afternoon.
21 And depending on what time they release her, she may be able
22 to make it to Starke prior to closing -- that's what our hope
23 is. Other than that, we're not sure -- she definitely wants
24 to get out and be released today. But if she's released
25 after 5:00, we would ask the Court to allow her to have

1 permission to go to Duval County and stay overnight and then
2 report to Starke first thing in the morning to begin the
3 electronic monitoring.

4 THE COURT: Yeah. She's not going to be released
5 in time to get there.

6 MS. JOHNSON: Yes, sir.

7 THE COURT: But there's no problem with the
8 electronic monitor being fitted in Starke, but then we're
9 going to transfer her to Duval County, or will her
10 supervision stay in Duval County?

11 MS. JOHNSON: Her supervision will be -- will stay
12 in Duval County, but because she's based out of Baker, I
13 think she has to go to Starke first and have her transferred.

14 THE COURT: Right.

15 MS. JOHNSON: Yes, sir. That's my understanding.

16 Is that right, Mr. Herrington?

17 MR. HERRINGTON: Yeah. That's correct. Because
18 it's going to be a modification and they're going to have to
19 hook her up on GPS. Unless you order her not to be hooked
20 up on GPS for however long.

21 THE COURT: I think it's electronic monitoring,
22 not GPS.

23 Is that right, Ms. Johnson?

24 MS. JOHNSON: I'm sorry, Your Honor.

25 THE COURT: Electronic monitoring not GPS?

1 MS. JOHNSON: It's community control with
2 electronic monitoring.

3 MR. HERRINGTON: GPS is the same thing; right?

4 MS. JOHNSON: I thought you guys differentiated
5 between --

6 THE COURT: No. They are different. GPS --

7 MR. HERRINGTON: Right.

8 MS. JOHNSON: I was anticipating Level II
9 community control with the regular --

10 MR. HERRINGTON: Electronic monitoring.

11 MS. JOHNSON: -- electronic monitoring.

12 MR. HERRINGTON: Okay.

13 MS. JOHNSON: I'm assuming that's cheaper than
14 GPS.

15 THE COURT: I think it is.

16 MS. JOHNSON: Yeah. That's what we were
17 anticipating.

18 THE COURT: If you move more than a certain
19 distance --

20 MS. JOHNSON: Yes, sir.

21 THE COURT: -- from your home base, it goes off.

22 MS. JOHNSON: Yes, sir.

23 THE COURT: If on GPS monitoring, will follow you
24 no matter where you are.

25 MS. JOHNSON: Yes, sir. We were not anticipating

1 GPS.

2 THE COURT: What time does the Starke probation
3 office open in the morning?

4 MR. HERRINGTON: 8:00 a.m., sir.

5 THE COURT: 8:00 a.m.

6 MR. HERRINGTON: Yes, sir. We close at 5:00.

7 THE COURT: I think to try and get there by 5:00
8 when she's got to be booked out and everything today is a
9 little unrealistic, so I'll just add as a condition to the
10 modification that you report tomorrow. You're going to Duval
11 County tonight?

12 THE DEFENDANT: Yes, sir. If I'm released, I will
13 go -- and not in time, I will go to Duval County to my
14 residence, which is off of Hodges Boulevard. But I will have
15 transportation back to --

16 THE COURT: And you will have transportation to
17 Starke --

18 THE DEFENDANT: Yes, sir.

19 THE COURT: -- by 8:00 a.m.?

20 THE DEFENDANT: Yes, sir.

21 MR. HERRINGTON: What we can do is if she can call
22 first thing in the morning, because there may be a way that
23 my supervisor can contact the supervisor there. If she'll
24 call us before and then we can say, "Okay. You need to
25 report to them in the next hour or two."

1 THE COURT: That's fine then. We'll let the
2 probation officer have the discretion to set the exact time
3 of when she's supposed to be there.

4 THE DEFENDANT: So call at 8:00 o'clock?

5 THE COURT: Call.

6 MR. HERRINGTON: Call at 8:00 a.m.

7 THE DEFENDANT: Okay.

8 THE COURT: And if you don't get who you want,
9 keep calling back.

10 THE DEFENDANT: I understand. Believe me, I will.

11 THE COURT: All right. Let's go ahead with the
12 admission.

13 (Defendant sworn.)

14 THE DEFENDANT: Yes, sir.

15 MS. JOHNSON: You can put your hand down,

16 Ms. Weed.

17 Ms. Weed, it's my understanding that you wish to
18 enter a plea of no contest, which will be deemed an admission
19 by the Court of the violation of probation that's before the
20 Court.

21 THE DEFENDANT: Yes, ma'am.

22 MS. JOHNSON: You understand that you have the
23 right to take your case to a hearing if you choose.

24 THE DEFENDANT: Yes, ma'am.

25 MS. JOHNSON: And you understand that if we went

1 THE DEFENDANT: Yes.

2 MS. JOHNSON: Okay.

3 THE DEFENDANT: And it's following four years;
4 correct?

5 MS. JOHNSON: Right. You had an original term of
6 six years of probation, and we're not ending the probation
7 early or anything like that. We're just modifying the next
8 two years to be on house arrest.

9 THE DEFENDANT: Yes. Yes.

10 MS. JOHNSON: Okay. Do you have any questions
11 before we tender your plea?

12 THE DEFENDANT: Huh-uh.

13 MS. JOHNSON: Okay. We would tender the plea,
14 Your Honor.

15 THE COURT: I will accept it. I did review the
16 report and affidavit and find an adequate factual basis.

17 Ms. Weed, I'll follow the negotiation. That will
18 be a new period of -- a new supervision. This isn't
19 probation with community control conditions. This is
20 community control for the next two years.

21 MS. JOHNSON: Yes, sir. We have no objection to
22 the Court revoking and resentencing Ms. Weed if that's what
23 the Court needs to do.

24 THE COURT: I don't think it will necessary to do
25 that. I can just place you on community control for the next

1 two years.

2 MS. JOHNSON: Yes, sir.

3 THE COURT: With electronic monitoring. And then
4 modify your present probation -- it will be sort of suspended
5 or stayed. And then once the community control is up, your
6 remaining period of probation will be reduced by the period
7 of time you're on community control. So your termination
8 date will stay the same.

9 MS. JOHNSON: Yes, sir.

10 THE COURT: They don't have to set up that whole
11 new file for the probation and leave you sitting there
12 waiting.

13 MS. JOHNSON: Yes, sir.

14 THE COURT: And when you test positive with a lot
15 of cocaine, the last thing in the world you want to do is
16 tell a probation officer, "I have no idea how that got
17 there." I hope you wouldn't lie to your mother, so why lie
18 to your probation officer. Your mother can't lock you up,
19 your probation officer can.

20 THE DEFENDANT: Oh, yeah.

21 THE COURT: So at least next time, admit it if
22 you're caught. Is this drug offender probation?

23 THE DEFENDANT: No, sir.

24 MS. JOHNSON: I don't believe she was on drug
25 offender sanctions to begin with, Your Honor.

1 MR. YAZDIYA: Let me double-check on that, Your
2 Honor.

3 THE COURT: Do you need some help with the
4 substance abuse issues?

5 THE DEFENDANT: No, sir. I do not. That was a
6 one-time thing. I promise you.

7 THE COURT: All right.

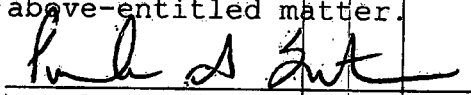
8 MR. YAZDIYA: Your Honor, I have the scoresheet.
9 One moment. Thank you, Judge.

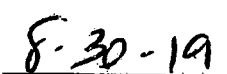
10 THE COURT: That's it.

11 MS. JOHNSON: Thank you, Your Honor.

12 (Proceedings adjourned at 2:08 p.m.)

13 I certify that the foregoing is a correct transcript
14 from the electronic sound recording of the proceedings in the
15 above-entitled matter.

16 
17 Pamela G. Smith
Transcriber


Date

18
19
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25

Officer _____
Office Location 08-2 Starke
Judge/Division Seig / Baker

STATE OF FLORIDA

VS

Misty Weed
Defendant

In the Circuit Court

Baker County, Florida

DC No. G14060
Docket/UC No. 02-2004-CF -500-A

ORDER OF MODIFICATION OF PROBATION

THIS CAUSE was considered on a request to modify the terms of supervision which was ordered on 03/02/2010 by Circuit Judge Peter K. Seig for a term of (six) 6 years in accordance with Florida Law. Having given due consideration, supervision is modified in accordance with Section 948.03 Florida Statutes, in the following manner:

☒ Reinstated to supervision with original termination date.


☐ Supervision tolled and reinstated with a new termination date of: _____

2 years Community Control with **electronic monitoring**.

\$250.00 VOP Fee.

It is further ORDERED that the clerk of court file this order in the official records and provide certified copies to the officer for use in compliance with the requirements of the law.

DONE AND ORDERED ON August 24, 2010, 2010.



Peter K. Seig
Circuit Court Judge

A certified copy of this order was delivered to the Probationer on _____, 2010.

Officer

Appendix J

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

___ Probation Violator
___ Community Control Violator

___ Retrial
___ Resentence

STATE OF FLORIDA

CASE NO. 02-2004-CF-500-A

vs.

Misty Rose Weed
Defendant

JUDGMENT

The defendant, Misty R. Weed, being personally before this Court,
represented by George Nelson, the attorney of record, and the State
represented by Ralph Yazdiya, and having

- ☐ been tried and found guilty by jury/by court of the following crime(s)
☐ entered a plea of guilty to the following crime(s)
☒ entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime
I.	Robbery -(L.I.O.)	812.13 (2c)	2° F

☒ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s).

☐ and good cause being shown, IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

☒ **BLOOD/BIOLOGICAL SPECIMENS:** Pursuant to FLA. STAT. § 943.325, the defendant having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty to, regardless of adjudication, to attempts of offenses relating to sexual battery, FLA. STAT. Ch. 794; lewd and lascivious conduct, FLA. STAT. Ch. 800; murder, FLA. STAT. § 782.04; aggravated battery, FLA. STAT. § 784.045; carjacking, FLA. STAT. § 812.133; home invasion robbery, FLA. STAT. § 812.135; burglary, FLA. STAT. § 810.02; robbery, FLA. STAT. § 812.13; robbery by sudden snatching, FLA. STAT. § 812.131; kidnapping/false

Misty R. Weed
Defendant

Case No. 02-2004-CF-500-A

imprisonment/luring or enticing/custody offense, FLA. STAT. Ch. 787; aggravated manslaughter of elderly/disabled adult or child or any other offense specified in FLA. STAT. § 943.325, shall be required to submit two specimens of blood or other biological specimens approved by the Department of Law Enforcement to the Florida Department of Law Enforcement.


- EFFECTIVE JULY 1, 2004 - Adds: Any forcible felony, FLA. STAT. § 776.08; aggravated child abuse, FLA. STAT. § 827.03(2); aggravated abuse of elderly or disabled adult, FLA. STAT. § 825.102(2); any felony involving use or possession of firearm.
- EFFECTIVE JULY 1, 2005 - Any felony offense.

- ☐ **PROSTITUTION:** Pursuant to FLA. STAT. § 796.08(3), the defendant, having been convicted under FLA. STAT. § 796.07 of prostitution or procuring another to commit prostitution, must undergo screening for a sexually transmissible disease, including, but not limited to, screening to detect exposure to human immunodeficiency virus, under the direction of the Department of Health.
- ☐ **HIV TESTING:** Pursuant to FLA. STAT. § 775.0877, the defendant, having been convicted of or having pled nolo contendere or guilty to, regardless of whether adjudication is withheld, any of the following offenses, or attempt thereof, which offense or attempted offense involves the transmission of body fluids from one person to another: FLA. STAT. § 794.011, relating to sexual battery; FLA. STAT. § 826.04, relating to incest; FLA. STAT. §§ 800.04(1), (2) and (3), relating to lewd, lascivious, or indecent assault or act upon any person less than 16 years of age; FLA. STAT. §§ 784.011, 784.07(2)(a), and 784.08(2)(d), relating to assault; FLA. STAT. §§ 784.021, 784.07(2)(c) and 784.08(2)(b), relating to aggravated assault; FLA. STAT. §§ 784.03, 784.07(2)(b) and 784.08(2)(c), relating to battery; FLA. STAT. §§ 784.045, 784.07(2)(d) and 784.08(2)(a), relating to aggravated battery; FLA. STAT. § 827.03(1), relating to child abuse; FLA. STAT. § 827.03(2), relating to aggravated child abuse; FLA. STAT. § 825.102(1), relating to abuse of an elderly person or disabled adult; FLA. STAT. § 825.102(2), relating to aggravated abuse of an elderly person or disabled adult; FLA. STAT. § 827.071, relating to sexual performance by person less than 18 years of age; FLA. STAT. §§ 796.03, 796.07 and 796.08, relating to prostitution; or FLA. STAT. § 381.0041(1)(b), relating to donation of blood, plasma, organs, skin, or other human tissue, shall undergo HIV testing to be performed under the direction of the Department of Health.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

DONE AND ORDERED in open court in Macclenny, Baker County, Florida this 16th day of November 2006.


CIRCUIT JUDGE
Phyllis M. Rosier

FILED in open court 11/16, 2006 by Sparker D.C.

Pursuant to Florida Rule of Criminal Procedure 3.670, I HEREBY CERTIFY THAT A COPY OF THE JUDGMENT AND SENTENCE was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant on this 20 day of NOV, 2006.

BY Deputy Clerk: Sparker

Revised 10/1/2003

G:\CHIEF JUDGE\ COSTS 2003\BAKER COUNTY FORMS\Judgment and Fingerprints.wpd

Page _____ of _____ Pages

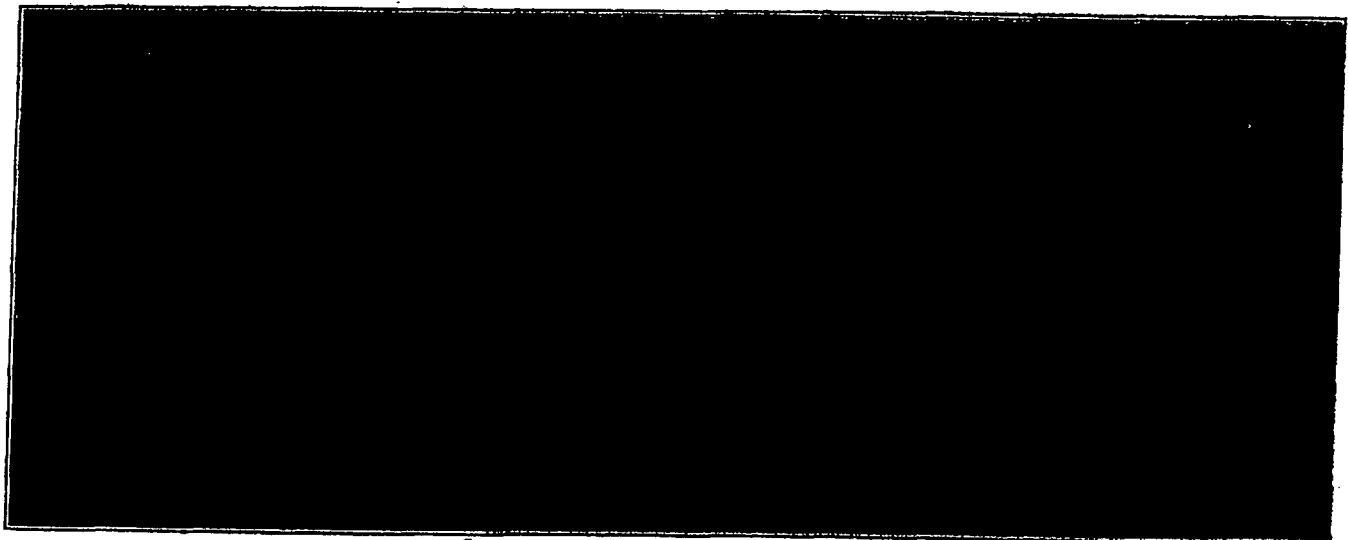
STATE OF FLORIDA

VS

CASE NUMBER 02-2004-CF-500-A

Weed, Misty R.

FINGERPRINTS OF DEFENDANT




Fingerprints taken by: Name Scott Mobley
Title Deputy Sheriff

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant,

Weed, Misty R

and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED In Open Court in Macclenny, Baker County, Florida, this 16th day
of Nov., 2004


Circuit Court Judge
Phyllis M. Rusie

☐ Probation Violator
☐ Community Control Violator

☐ Retrial
☐ Resentence

STATE OF FLORIDA

CASE NO. 02-2004-CF-500-A

vs.

Misty R. Weed
 Defendant

SENTENCE
 (As to Count I.)

The defendant, being personally before this Court, accompanied by the defendant's attorney of record, George Nelson, and having been adjudicated guilty herein, and the Court, having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

(CHECK ONE IF APPLICABLE):

- ☐ and the Court, having on (date) _____ deferred imposition of sentence until this date,
☐ and the Court, having previously entered a judgment in this case on (date) _____, now resentsences the defendant,
☐ and the Court, having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control,

IT IS THE SENTENCE OF THE COURT THAT:

- ☒ The defendant shall pay a fine pursuant to FLA. STAT. § 775.083 [in the Order Establishing Financial Obligations].
☒ The defendant is hereby committed to the custody of the State of Florida Department of Corrections.
☐ The defendant is hereby committed to the custody of the Baker County Jail.
☐ The defendant is sentenced as a youthful offender in accordance with FLA. STAT. § 958.04.

TO BE IMPRISONED (CHECK ONE; UNMARKED SECTIONS ARE INAPPLICABLE):

- ☐ For a term of natural life.
☒ For a term of 4 years.
☐ Said SENTENCE SUSPENDED for a period of _____, subject to conditions set forth in this order.
☐ Defendant shall report to the Baker County Jail to begin the sentence on _____ at _____ AM/PM.

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH:

- ☒ Followed by a period of 10 years or probation community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
☐ However, after serving a period of _____ imprisonment in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve an additional split sentence, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

SENTENCE STRUCTURE:

- ☒ Jail Credit: Pursuant to FLA. STAT. § 921.161(1) or FLA. STAT. § 921.0017, the defendant shall be allowed a total of 142 days as credit for time incarcerated before imposition of this sentence.
☐ Prior Prison/Confinement Credit: The defendant shall be allowed credit for any prior prison confinement before imposition of this sentence. The Florida Department of Corrections shall calculate this credit.
☐ As to other count(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence set forth in count(s) _____ of this case.
☐ As to other case(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with the sentence in case number(s) _____

Defendant Misty R. Weed Case No. 02-2004-CF-500-A

- ☐ As to any other active sentence(s) being served: The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with any other active sentence(s).
- ☐ As to specific sentence(s): The sentence imposed for this count shall run (check one)
☐ consecutive to ☐ concurrent with specific sentence(s) named: _____

In imposing the above sentence, the Court further orders: _____

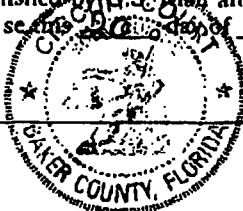
In imposing the above sentence, the Court further ^{State} ^{Announces} recommends: Nolle Prosequi on
Count II.AS OF OCTOBER 1, 2003: Pursuant to FLA. STAT. § 921.16(3), the Court shall not direct that sentences run "coterminously" with another sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Baker County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the Department, together with a copy of the judgment and sentence and any other documents specified by Florida Statutes.

The defendant, in open court, was advised of the right to appeal from the judgment and sentence by filing a notice of appeal within 30 days from this date with the Clerk of Court and was advised of the right to the assistance of counsel in taking the appeal. Upon a determination of indigence, counsel will be appointed.

If a bail bond is in effect and has not been forfeited, the bond is hereby cancelled and the surety is discharged from liability on such bond.

DONE AND ORDERED in open court in Macclenny, Baker County, Florida this 16th day of November, 2006.

 CIRCUIT JUDGE
 Phyllis M. Rosier
FILED in open court 11/16, 2006, by Sparker, D.C.Pursuant to Florida Rule of Criminal Procedure 3.670, I HEREBY CERTIFY THAT A COPY OF THE JUDGMENT AND SENTENCE was furnished by U.S. Mail and/or hand delivery at the addresses of record to counsel for the state and defense/defendant pro se on 20th day of November, 2006.BY Sparker, D.C.

page ____ of ____

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA

vs.

CASE NO. 02-2004-CF-500-ADIVISION Page 1 of 3Misty R. Weed
Defendant

ORDER ESTABLISHING FINANCIAL OBLIGATIONS "GENERAL"

The defendant shall pay the following sums if checked:

- MANDATORY COSTS - THESE COSTS SHALL NOT BE WAIVED BY THE COURT**
- ☒ a. \$ 255.00 Felony Costs pursuant to FLA. STAT. § 938.03 (\$50.00) (Crimes Compensation Trust Fund); FLA. STAT. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); FLA. STAT. § 938.05(1)(a) (\$200.00) (Local Government Criminal Justice Trust Fund); FLA. STAT. § 938.16 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1.
- ☐ b. \$ 105.00 Misdemeanor Costs pursuant to FLA. STAT. § 938.03 (\$50.00) (Crimes Compensation Trust Fund); FLA. STAT. § 938.01(1) (\$3.00) (Additional Court Cost Clearing Trust Fund); FLA. STAT. § 938.05 (1)(b) (\$50.00) (Local Government Criminal Justice Fund); FLA. STAT. § 938.16 (\$2.00) (Criminal Justice Education & Training) by Baker County Ord. 83-1.
- ☒ c. \$ 65.00 County Funding/Legal Aid/Law Library/Teen Court - Assessment of Additional Court Costs pursuant to FLA. STAT. § 939.185, by Baker County Ord. 2004-35.
- ☒ d. \$ 40.00 Attorney Application Fee - per affidavit pursuant to FLA. STAT. § 27.52(1)(c).
- ☐ e. \$ Liquidated Damages, Other Than Capital or Life Felonies: FLA. STAT. § 960.293(2)(b): \$50.00 per day of sentence (Cost of Sentence Incarceration).
- ☐ f. \$ 250,000.00 Liquidated Damages, Capital or Life Felonies: FLA. STAT. § 960.293(2)(a) (Cost of Sentence Incarceration).
- ☐ g. PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS ARE REDUCED TO CIVIL JUDGMENT. FLA. STAT. § 938.30(c).
- ☐ h. PAY PREVIOUSLY ORDERED FINANCIAL OBLIGATIONS.
- ☒ i. CRIME PREVENTION - Court Cost pursuant to FLA. STAT. § 775.083(2) - \$20.00.
- ☒ j. TEEN COURT per County Ordinance #2005-64-\$3.00.

- DISCRETIONARY FINES**
- ☐ a. \$ TOTAL Standard Fine: pursuant to FLA. STAT. § 775.083(1): a) Life Felony: up to \$15,000.00; b) 1st or 2nd Degree Felony: up to \$10,000.00; c) 3rd Degree Felony: up to \$5,000.00; d) 1st Degree Misdemeanor: up to \$1,000.00; e) 2nd Degree Misdemeanor or non-criminal violation: up to \$500.00; f) Alternatively, may impose double offender's pecuniary gain or victim's pecuniary loss PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, Plus \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 FELONY.
- ☐ b. \$ TOTAL Additional Fine for Offense Resulting in Injury/Death up to \$10,000.00 FINE: pursuant to FLA. STAT. § 775.083(1) PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), Plus \$50.00 Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2). (Additional findings required)

- MANDATORY FINES (DUI AND BUI § 316.193)**
- ☐ a. \$ First Conviction FINE \$ PLUS \$135.00 court costs pursuant to FLA. STAT. § 938.07, PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), Plus \$50.00 FELONY/ \$20.00 MISD. Crime Prevention-Court Costs, surcharge to FLA. STAT. § 775.083(2).
- ☐ b. \$ Second Conviction FINE \$ PLUS \$135.00 court costs pursuant to FLA. STAT. § 938.07, PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 FELONY/ \$20.00 MISD. Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).
- ☐ c. \$ Third Conviction FINE \$ PLUS \$135.00 court costs pursuant to FLA. STAT. § 938.07, PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 FELONY/ \$20.00 MISD. Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).
- ☐ d. \$ Fourth Conviction or Subsequent Conviction FINE \$ PLUS \$135.00 court costs pursuant to FLA. STAT. § 938.07, PLUS 5% surcharge pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1), PLUS \$50.00 FELONY/ \$20.00 MISD. Crime Prevention-Court Costs, pursuant to FLA. STAT. § 775.083(2).

- DISCRETIONARY COSTS (DUI AND BUI § 316.193)**
- ☐ a. \$ Court Cost, In Addition to Any Fine, up to amount of fine authorized. Enumerated FLA. STAT. § 316.193 (DUI), Pursuant FLA. STAT. § 938.23, 938.21 & 893.165.

- RESTITUTION/REIMBURSEMENT (775.083)**
- ☐ a. \$3.00/PAYMENT Clerk of Court fee: per payment for receiving and disbursing all "restitution" to FLA. STAT. § 28.24(26)(a).
- ☐ b. \$6.00/MONTH Clerk of Court fee: per month / all partial payment "other than restitution" payments, pursuant to FLA. STAT. § 28.24(26)(b).
- ☐ c. \$25.00/FEE Clerk of Court fee: For setting up payment plan, a one time administrative processing charge in lieu of a per month charge, pursuant to FLA. STAT. § 28.24(26)(c).
- ☒ d. \$500.00 Restitution imposed by separate Civil Restitution Lien Order, which is incorporated herein by reference, or as may be determined at hearing, after notice, within 60 days. [Number of Liens _____] FLA. STAT. § 960.282(2).
- ☐ e. COURT RESERVES JURISDICTION FOR THE IMPOSITION OF RESTITUTION/REIMBURSEMENT PAYMENT REQUIREMENTS. A hearing is scheduled for _____, 20____ at _____ AM/PM Baker County Courthouse, 339 East Macdenn Avenue, Macdenn, FL 32063. ROOM _____

- DISCRETIONARY COSTS**
- ☒ a. \$ Public Defender Costs and Fees: By separate Order Awarding Attorney's Fees and Costs of Defense, which is incorporated herein by reference, FLA. STAT. § 938.29(1)(a).
- ☒ b. \$300.00 Costs of Investigation and Prosecution (if requested), by separate order, or as may be determined at hearing, after notice, within 60 days, FLA. STAT. § 938.27.
- ☐ c. \$ Medical Expenses incurred while in county jail pursuant to FLA. STAT. § 951.032.
- ☐ d. \$ Misdemeanor Probation [Only by County Court] supervising agency's fee (Court Services or Clerk of Court) Not less than \$40/month pursuant to FLA. STAT. § 949.09(1)(b).
- ☐ e. \$ State Attorney Worthless Check Fees (if participating in diversion program): ☐ a) \$25.00, if face value does not exceed \$50.00, # of checks _____; ☐ b) \$30.00, if face value does not exceed \$300.00, # of checks _____; ☐ c) \$40.00, if the face value is more than \$300.00, # of checks _____; FLA. STAT. § 832.08(6).

Revised 10/01/2004

BAKER COUNTY FORMS/Order Establishing Financial Obligations General

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Misty R. Weed
DEFENDANT

02-2004-CF-500-A
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REIMBURSEMENT FOR SPECIFIC CRIMES

- ☐ a. \$ _____ Specimen Collection Expense: FLA. STAT. § 943.328(10)(a) (applies to ch. 794 (sexual battery); ch. 800 (lewd and lascivious); FLA. STAT. § 782.04 (homicide); FLA. STAT. § 784.045 (assault and battery); FLA. STAT. § 810.02 (burglary); FLA. STAT. §§ 812.13; 812.131; 812.133 or 812.135 (robbery/carjacking) ch. 787 (kidnapping) and FLA. STAT. § 782.07 (homicide)).
EFFECTIVE 07/01/2004: Also applies to: FLA. STAT. § 778.08 (any forcible felony); FLA. STAT. § 827.03(2) (aggravated abuse/child abuse); FLA. STAT. § 825.102(2) (aggravated abuse of an elderly/disabled adult); ch. 790 (involving the use or possession of a firearm).
EFFECTIVE 07/01/2006: Applies to ALL felony offenses.
- ☐ b. \$ _____ Victim's Initial Forensic Physical Examination: FLA. STAT. § 980.28(5) (applies to ch. 794 (sexual battery); ch. 800 (lewd and lascivious) (payable to Crimes Compensation Trust Fund)).
- ☐ c. \$ _____ Child Abuse/Abandonment/Neglect Physical Examination/Photographs: FLA. STAT. § 39.304(5) (ONLY IF Defendant is parent or legal custodian).
- ☐ d. \$ 100.00 Florida Crimes Lab (FLE Lab) Violations of FLA. STAT. § 893.13 pursuant to FLA. STAT. § 938.25, by separate order.
- ☐ e. \$ _____ Victim Assistance Award - Debt to State Pursuant to FLA. STAT. § 980.17.

OTHER SPECIFIC CRIMES - FINES / CIVIL PENALTIES / SURCHARGES

- ☐ a. \$ _____ **Non-support of Dependents (FELONY) (Fine)** pursuant to FLA. STAT. § 827.06(3): 4th or subsequent OR regardless of prior convictions if arrears is more than one year in an amount of \$5,000 or more; Treat as third-degree felony (fine up to \$5,000).
FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge pursuant to FLA. STAT. § 938.06(1).
- ☐ b. \$ 201.00 **Domestic Violence (\$201.00 Surcharge) Domestic Violence Trust Fund** pursuant to FLA. STAT. § 938.08. Applies to violations of FLA. STAT. § 784.011 (assault); FLA. STAT. § 784.021 (aggravated assault); FLA. STAT. § 784.03 (battery/felony battery); FLA. STAT. § 784.041 (felony battery); FLA. STAT. § 784.045 (aggravated battery); FLA. STAT. § 784.048 (stalking); FLA. STAT. § 784.07 (assault or battery LEO + special people); FLA. STAT. § 784.08 (assault or battery on victim 65+ years old); FLA. STAT. § 784.081 (assault or battery on specified officials or employees); FLA. STAT. § 784.082 (assault or battery BY a detainee); FLA. STAT. § 784.083 (assault or battery on code inspectors); FLA. STAT. § 784.085 (battery on child by using fluids); FLA. STAT. § 794.011 (sexual battery); FLA. STAT. § 741.26 (domestic violence).
- ☐ c. \$ 151.00 **Rape Crisis (\$151.00 Surcharge) Rape Crisis Program Trust Fund** pursuant to FLA. STAT. § 938.085, in addition to any sanction imposed for a violation of FLA. STAT. § 784.011 (assault); FLA. STAT. § 784.021 (aggravated assault); FLA. STAT. § 784.03 (battery/felony battery); FLA. STAT. § 784.041 (felony battery); FLA. STAT. § 784.045 (aggravated battery); FLA. STAT. § 784.048 (stalking); FLA. STAT. § 784.07 (assault or battery LEO + special people); FLA. STAT. § 784.08 (assault or battery on victim 65+ years old); FLA. STAT. § 784.081 (assault or battery on specified officials or employees); FLA. STAT. § 784.082 (assault or battery BY a detainee); FLA. STAT. § 784.083 (assault or battery on code inspectors); FLA. STAT. § 784.085 (battery on child by using fluids); FLA. STAT. § 794.011 (sexual battery).
- ☐ d. \$ 500.00 **Violations of FLA. STAT. § 786.07(2)(f) (Soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness or assignation) pursuant to FLA. STAT. § 786.07(6): FELONY - 3rd OR SUBSEQUENT VIOLATION** Shall be assessed a civil penalty of \$500.00 if violation results in disposition other than acquittal or dismissal. [Shall be paid through Clerk of Court to disburse to Eighth Judicial Circuit Court Administrator.] [See judgment and sentence for additional non-monetary penalties.]
- ☐ e. \$ _____ **Assault or Battery on 65+.** FLA. STAT. § 784.08(1). Fine not to exceed \$10,000. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1). [See judgment and sentence for additional non-monetary penalties.]
- ☐ f. \$ _____ **Enumerated Theft (FLA. STAT. §§ 812.012-812.037) (supplemental fine):** Pursuant to FLA. STAT. § 812.032, amount not to exceed twice gross value gained or twice gross loss caused, whichever is greater. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1). [Upon Motion of the State Attorney] costs of investigation and prosecution by separate order.
- ☐ g. \$ _____ **Optical Discs, Manufacturing ID Mark (Fine):** pursuant to FLA. STAT. § 817.6615(2)(a):
☐ 1st OFFENSE: up to \$5,000. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
☐ 2nd AND SUBSEQUENT OFFENSES: up to \$50,000. **FINE:** _____ PLUS 6% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
- ☐ h. \$ _____ **Counterfeiting (COURT MAY FINE FOR SENTENCE - NOT BOTH):**
☐ Possession of less than 10 counterfeit coins with intent to utter: Fine not to exceed \$1,000, FLA. STAT. § 831.16. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
☐ Making/possessing instruments for forging bills: Fine not to exceed \$1,000, FLA. STAT. § 831.18. **FINE:** _____ PLUS 6% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
☐ Making/possessing instruments for counterfeiting coins: Fine not to exceed \$1,000, FLA. STAT. § 831.18. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
☐ Forging/counterfeiting doctor's certificate of examination: Fine not to exceed \$500, FLA. STAT. § 831.21. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
- ☐ i. \$ _____ **RICO Violations: FLA. STAT. § 895.04(2). Alternative fine IN LIEU of other fines.** Amount not to exceed triple gross gain or loss, whichever is greater. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1). PLUS costs of investigation and prosecution by separate order.
- ☐ j. \$ _____ **Structuring Financial Transactions to Evade Requirements. FLA. STAT. § 898.104(4)(b).**
☐ 1st VIOLATION: Additional fine, amount not to exceed \$250,000 or twice value of transactions, whichever is greater, AND Court may impose civil penalty of not more than the value of the transactions or \$25,000.00, whichever is greater. FLA. STAT. § 898.104(4)(c). **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
☐ 2nd AND SUBSEQUENT VIOLATIONS: Additional fine, amount not to exceed \$500,000 or quintuple value of transactions, whichever is greater, AND/OR Court may impose civil penalty of not more than the value of the transactions or \$25,000.00, whichever is greater. FLA. STAT. § 898.104(4)(c). **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).
- ☐ k. \$ _____ **Aggravated White-Collar Crime. FLA. STAT. § 775.0844(7).** Additional fine, amount not to exceed \$500,000 or double value of pecuniary loss or gain, whichever is greater. **FINE:** _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 938.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 938.06(1).

Revised 10/12/2003

G:\CHIEF JUDGE\GOSTS 2003\BAKER COUNTY FORMS\Order Establishing Financial Obligations General.wpd

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Misty R. Weed
DEFENDANT

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- ☐ l. \$ _____ CRIMINAL MISCHIEF (GRAFFITI). FLA. STAT. § 808.13(8)(a). [See Judgment and Sentence for non-monetary penalties.]
- ☐ 1st CONVICTION: Additional fine not less than \$250.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ 2nd CONVICTION: Additional fine not less than \$500.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ 3rd AND SUBSEQUENT CONVICTIONS: Additional fine not less than \$1,000.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ m. \$ 5,000.00 SALE/PURCHASE SALTWATER PRODUCTS WITH NO LICENSE, FLA. STAT. § 370.021(6)(e).
- ☐ 3rd VIOLATION W/1 YEAR - FELONY FLA. STAT. § 370.021(6)(e)(4). Shall impose civil penalty of \$5,000.
- ☐ 4th OR SUBSEQUENT VIOLATION - FELONY FLA. STAT. § 370.021(6)(e)(5). Shall impose civil penalty of \$5,000.
- SALE/PURCHASE SALTWATER PRODUCTS WITH REVOKED LICENSE - FELONY FLA. STAT. § 370.021(6)(b). Shall impose civil penalty of \$5,000.
- SALE/PURCHASE SALTWATER PRODUCTS WITH SUSPENDED LICENSE, FLA. STAT. § 370.021(6)(c).
- ☐ 2nd VIOLATION W/12 MONTHS - FELONY FLA. STAT. § 370.021(6)(c)(2). May impose civil penalty up to \$5,000.
- ☐ 3rd VIOLATION W/24 MONTHS OR SUBSEQUENT VIOLATION - FELONY FLA. STAT. § 370.021(6)(c)(3). Shall impose civil penalty up to \$5,000.
- HARVEST SALTWATER PRODUCTS WITH NO LICENSE, FLA. STAT. § 370.021(6)(d).
- ☐ 3rd VIOLATION W/1 YEAR FLA. STAT. § 370.021(6)(d)(4). Shall impose civil penalty of \$5,000.
- ☐ 4th VIOLATION OR SUBSEQUENT FLA. STAT. § 370.021(6)(d)(5). Shall impose civil penalty of \$5,000.
- ☐ n. \$ _____ MARINE TURTLE REGULATION - FELONY FLA. STAT. § 370.12(1)(e)1.
- ☐ 1st Violation (FELONY) more than 11 eggs. FLA. STAT. § 370.12(1)(e)3-4 Marine Resources Trust Fund; Additional Penalty - Shall pay \$100.00 per egg. _____ Number of eggs.
- ☐ 2nd or subsequent violation (FELONY) 11 or fewer eggs FLA. STAT. § 370.12(1)(e)3-4 Marine Resources Trust Fund; Additional Penalty - Shall pay \$100.00 per egg. _____ Number of eggs.
- ☐ o. \$ _____ ANIMAL CRUELTY: pursuant to FLA. STAT. § 828.12.
- ☐ Unnecessary overload/killing (Misdemeanor). FLA. STAT. § 828.12(1). Alternative additional fine not to exceed \$5,000. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ Unnecessary pain or suffering or causing death (Felony). FLA. STAT. § 828.12(2). Fine not to exceed \$10,000. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ 1st CONVICTION w/ determination of intentional torture: FLA. STAT. § 828.12(2)(a). Minimum mandatory fine of \$2,500.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1). [See Judgment and Sentence for additional non-monetary penalties.]
- ☐ 2nd AND SUBSEQUENT CONVICTIONS: FLA. STAT. § 828.12(2)(b). Minimum mandatory fine of \$5,000.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1). [See Judgment and Sentence for additional non-monetary penalties.]
- ☐ Killing dog or cat with intent to sell pet. FLA. STAT. § 828.123(1). Alternative additional fine not to exceed \$10,000. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ Possessing/importing/selling/accepting dog or cat pet w/intent to sell pet. FLA. STAT. § 828.123(3). Alternative additional fine not to exceed \$10,000. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).
- ☐ p. \$ _____ ENVIRONMENTAL CONTROL VIOLATIONS: FLA. STAT. § 373.438(3). Alternative Additional Fine. Shall pay up to \$50,000.00. FINE: _____ PLUS 5% surcharge _____ pursuant to FLA. STAT. § 838.04, PLUS \$20.00 Crime Stopper surcharge, pursuant to FLA. STAT. § 838.08(1).

DRUGS or ALCOHOL OTHER THAN DUI or BUI

- ☐ a. \$ 15.00 MISDEMEANOR COURT COSTS pursuant to FLA. STAT. § 838.13(1)(a) and Baker County Ord. 2001-25 (County Alcohol and Other Drug Abuse Trust Fund). (IF DUI for BUI, SEE DUI for BUI SECTION ON PAGE ONE)
- ☐ b. \$ _____ COURT COST, IN ADDITION TO ANY FINE, up to amount of fine authorized. Enumerated ch. 893 (drug abuse); FLA. STAT. § 858.011 (disorderly intoxication); FLA. STAT. § 858.016 (open house parties); ch. 582 (beverages); ch. 587 (alcoholic beverages local option); ch. 588 (intoxicating liquors where prohibited). Pursuant to FLA. STAT. §§ 938.23, 938.21 & 893.185. (IF DUI for BUI, SEE DUI for BUI SECTION ON PAGE ONE)

TOTAL FINANCIAL OBLIGATIONS SHALL BE PAID AS FOLLOWS:

- ☒ a. Through defendant's probation officer in equal monthly installments in an amount sufficient to pay the total sum in full three months before the end of the probationary period.
- ☐ b. Through the Baker County Clerk of Court, 339 East Macclenny Avenue, Macclenny, FL 32063 in full on or before the compliance court date given to defendant by separate notice.
- ☐ c. Civil judgment(s) shall be entered for the ordered sums.
- ☐ d. Pursuant to FLA. STAT. § 938.30, defendant's financial obligations are converted into a court-ordered obligation to perform community service hours at the rate of the current minimum wage and defendant must show proof of completion to the Baker County Clerk of Court, 339 East Macclenny Avenue, Macclenny, FL 32063 or the probation officer.

The foregoing costs are in addition to any financial obligation the Court may have ordered in a separate order of probation or community control.

DONE AND ORDERED in open court at Macclenny, Baker County, Florida this 11th day of November, A.D., 2006.

Copies furnished to:

Assistant State Attorney Probation and Parole
Counsel for Defendant

Phyllis M. Rosier
CIRCUIT JUDGE

Revised 10/1/2003

G:\CHIEF JUDGE\ COSTS 2003\BAKER COUNTY FORMS\Order Establishing Financial Obligations General.wpd

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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR BAKER COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

FILED IN OPEN COURT

DATE
D.C.

vs.

MISTY ROSE WEED
Defendant

CASE NO.: 02-2004-CF-000500-A
CRIMINAL DIVISION

PETITION TO ENTER PLEA OF GUILTY/NOLO CONTENDERE
(The defendant must initial each paragraph that pertains to him/her.)

MRW 1. My full name is MISTY ROSE WEED and I am also known as _____
I am 22 years of age. I have gone to school up to and including 12th grade

MRW 2. I am represented by a lawyer, who is GEORGE NELSON. I have told my lawyer all the facts and
circumstances about the charges against me. My lawyer has counseled and advised me on the nature of each charge; on any and all lesser
included charges; and, on all possible defenses that I might have in this case. (Initial the paragraph that applies.)

MRW I believe that my lawyer is fully informed on all such matters. S/he has properly investigated all witnesses (including alibi
witnesses) and defenses available to me.

Because I wish to accept the State's "no deposition" plea offer, at my request and with my agreement, my lawyer has not
fully investigated my case nor talked to all of the witnesses.

MRW 3. I wish to withdraw my prior plea of not guilty, if one has been entered, and plead guilty/nolo contendere to the charge(s) of:

FILED
OCT 12 2006
8TH JUDICIAL CIRCUIT COURT
BAKER COUNTY, FLORIDA

CASE NUMBER	COUNT	CRIME	OFFENSE STATUTE NUMBER(S)*	DEGREE OF CRIME
<u>04-520CM</u>	<u>I</u>	<u>ROBBERY (S. 812.13(2)(c) - ARM)</u>	<u>912.13(2)(c)</u>	<u>2ND</u>
		<u>(LIO)</u>		

*Cite entire statute number including applicable subsections

MRW I understand that I have the right to plead not guilty to any offense charged against me or, if I have entered a plea of not guilty,
to persist in that plea and proceed to trial. If I elect to proceed to trial, I understand that I have a right to be tried by a jury and at that trial
I have the right to the assistance of counsel, the right to compel the production of evidence and the attendance of witnesses on my behalf,
the right to confront and cross-examine witnesses against me, and the right not to be compelled to incriminate myself. I have the right
to take the witness stand at my sole option, and if I do not take the witness stand, I understand the jury, at my request, will be told this may
not be held against me. I understand that by pleading guilty/nolo contendere to the charge(s) I waive and give up my rights as listed

In this paragraph, and that there will be no trial. I further understand that if I plead guilty/nolo contendere, the judge may ask me questions about the offense(s) to which I have pleaded. I am not required to answer those questions and if I decline to answer those questions, my refusal may not be used against me by the judge or anyone else. If I answer those questions under oath, on the record, and in the presence of counsel, the answers may later be used against me in a prosecution for perjury.

MRW 5. I have been advised that the statutory maximum possible sentence for the charge(s) to which I am pleading is 15 years imprisonment and/or a fine of \$ 10,000.

_____ A. The mandatory minimum penalty is _____

_____ B. The Court cannot withhold adjudication of guilt or place me on probation.

_____ 6. I am presently on probation/early prison release/parole. I understand that by pleading guilty or nolo contendere in this case it may cause revocation of my probation/early prison release/parole and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to (in addition to) any sentence in the case in which probation/early prison release/parole is revoked.

MRW 7. I believe that I am competent to enter this plea. My physical and mental health are presently satisfactory. The exceptions are: _____ (Initial those paragraphs that apply.)

MRW A. At this time I am not under the influence of any drugs or intoxicants to the extent that my normal faculties are impaired. At this time I am taking the following medications: _____

_____ B. I was not under the influence of any drugs or intoxicants at the time the crime was committed.

_____ C. My lawyer and I have discussed the "intoxication defenses". I have fully disclosed to him/her all of the facts relating to those defenses and these charges. I waive (give up) all defenses related to such use.

MRW 8. Other than the agreement, if any, set out on Page 4 of this form, no promise or suggestion of any kind has been made to me, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this plea. No one, including my lawyer or any officer of any branch of government, federal, state or local, has subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

MRW 9. My lawyer has advised me of considerations bearing on the choice of which plea to enter, and the advantages and disadvantages of such plea, and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on Page 4 was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the plea agreement. **I BELIEVE THAT MY LAWYER HAS DONE ALL THAT A COMPETENT ATTORNEY COULD DO TO COUNSEL AND ASSIST ME. I AM SATISFIED WITH THE ADVICE AND HELP S/HE HAS GIVEN ME.** Even though I have been assisted and advised by my lawyer, the decision to plead guilty/nolo contendere is mine alone and is made by me after considering the advice and counsel of my lawyer.

MRW 10. I am entering this plea freely, knowingly, intelligently and voluntarily because I believe it to be in my best interest to do so. (Initial the paragraph that applies.)

_____ I admit that I am guilty of the charge(s) I am pleading guilty to.

MRW I believe that the plea is in my best interest even though I say that I am innocent of the charges.

_____ I believe that the plea is in my best interest even though I neither admit nor deny that I am guilty of the charge(s) I am pleading nolo contendere to.

MPW 11. I understand that if I plead guilty/nolo contendere, I give up my right to a direct appeal. I further understand, however, that I do not give up my right to appellate review by collateral attack as that term has been explained to me by my lawyer.

MPW 12. I understand that I will be required to pay mandatory costs that will be assessed against me and that the Court may assess additional discretionary costs. These costs are set forth in the NOTICE OF MONETARY SUMS THAT MAY BE IMPOSED BY THE COURT, attached hereto and incorporated herein.

MPW 13. I understand that the Court may require me to pay restitution or costs of investigation:

_____ A. In the following amount(s): \$ _____.

_____ B. To be determined by the Court at a later hearing.

MPW 14. I understand that Probation & Parole Services, Department of Corrections, may be asked to conduct a pre-sentence investigation and submit a report to the judge prior to my sentencing.

_____ I request a pre-sentence investigation.

MPW I waive my right to a pre-sentence investigation.

_____ I am not entitled to a pre-sentence investigation.

MPW 15. My lawyer has advised me that at trial the State could present evidence to establish the facts set forth in the probable cause affidavit and I agree that the Court may rely upon documents in the court's file, including the probable cause affidavit, for a factual basis for this plea.

MPW 16. I understand that if I am not a citizen of the United States, this plea may cause me to be deported.

MPW 17. **JIMMY RYCE WARNING:** My lawyer has advised me that if I am now pleading to a "sexually violent offense" or if I have previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, my plea in this case could subject me 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.

_____ 18. I have read and understand that the information contained in Attachment(s) _____, attached hereto and incorporated herein, pertaining to _____ applies to me and my case(s).

_____ 19. This document has been translated into _____ for the Defendant by _____ on _____, 20____.

MPW 20. The State and the Defendant stipulate and agree that the Defendant is entitled to credit for time I have already served in this/these case(s) as follows: 110 DAYS. I agree that if the judge gives me credit for time served as stipulated, and if the Department of Corrections likewise gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

MPW 21. Unless otherwise agreed to in the PLEA AGREEMENT below, I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his/her opinion or estimate and is not binding on the judge. I further understand that if I am sentenced to incarceration in the county jail or state prison, that I cannot rely upon anyone's, including my attorney's, estimation

of how much time I will actually serve as a result of my plea. I understand that credit for gain time, past or future, will be determined by the Department of Corrections, and that the judge in this case has no control over that determination.

PLEA AGREEMENT

MW The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows:

— THE STATE AND DEFENDANT AGREE TO A
CAP ON THE SENTENCE OF 4 YEARS IN
THE DEPARTMENT OF CORRECTIONS FOLLOWED BY
6 YEARS OF PROBATION, THE DEFENDANT
IS FREE TO ARGUE FOR ANY LESSER
SENTENCE

Under penalty of perjury, I swear or affirm that I have read, understand, and agree with the information in each paragraph initialed by me in pages 1 through 4 of this document. The information and representations are true and accurate.

Signed and dated this 10th day of OCTOBER, 2006

[Signature]
Defendant

Signed by me this 10th day of OCTOBER, 2006

[Signature]
Defense Attorney

Signed by me this 11th day of October, 2006

[Signature]
Prosecuting Attorney

CERTIFICATE OF COUNSEL

The undersigned attorney for the Defendant certifies as follows:

22. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in this petition are voluntary and in all respects accurate and true. S/he fully understands them.

23. I have read and explained to the Defendant the allegations contained in the Information(s), as well as the maximum penalty for each count. I have discussed with the Defendant the facts and circumstances about the charges and any lesser included offenses. I have explained to the Defendant the possible penalties to which s/he may be subjected as a result of this plea. (Initial the paragraph that applies.)

GN I believe the defendant and I are fully informed on all such matters. I have fully investigated this case and all witnesses for and against the defendant (including alibi witnesses if any were revealed to me). I have discussed with the defendant the defenses available to him/her.

Because the Defendant wishes to accept the State's "no deposition" plea offer, with the Defendant's agreement, I have not fully investigated his/her case nor talked to all of the witnesses.

24. The plea of guilty/nolo contendere being entered by the Defendant is in accord with my understanding of the facts, the law and possible defenses. If the Defendant is to receive a sentence of incarceration, I have not promised the Defendant that s/he will serve a specific length of time incarcerated. I have made no promises to the Defendant that are not set forth in this agreement to induce him/her to enter this plea, nor have I threatened, coerced or intimidated the Defendant in any way to induce him/her to enter this plea.

25. Having discussed this matter fully with the Defendant, it is my opinion that s/he is mentally and physically competent, and there is no mental or physical condition which would affect his/her understanding of these proceedings. I have no reason to believe that s/he is under the influence of drugs or alcohol at this time. The exceptions to this are listed in Paragraph 7A.

26. I have explained to the Defendant the difference between a direct appeal and a collateral attack upon his/her conviction. I have advised the Defendant that if s/he is now pleading to a "sexually violent offense" or if s/he has previously been convicted of a "sexually violent offense" as that term is defined in Section 394.912(9), Florida Statutes, s/he may be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Section 394.10, et. seq., Florida Statutes, which allows the State to commit to a secure treatment facility 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.

Signed by me this 10th day of October, 2006

Defendant's Attorney

ORDER ACCEPTING PLEA

Based upon the sworn testimony of the Defendant in open court, based upon my review of the court file(s), and based upon the dialogue between the Defendant, the Defendant's attorney, the Prosecuting Attorney, and the judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the Defendant; I find that there is a factual basis to support the plea; and, I find that the Defendant was represented by a competent attorney with whom the Defendant says s/he is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis: _____

IT IS ORDERED AND ADJUDGED that the Defendant's plea be

PNR ☒ accepted
☐ rejected

☒ accepted conditionally: upon Return of Presentence Investigation

DONE AND ORDERED in open Court this 10th day of October, 2006

Circuit Judge Phyllis M. Rost