

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 2012-00130-CFFA

vs.

JAMESINE ANNE FISCHER  
Defendant.

**PLEA AGREEMENT**  
(Fla. R. Crim. P. 3.172)

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of guilty, as follows:

Case Number	Offense	Mandatory Minimum	Maximum Sentence
2012-00130-CFFA	Leaving the Scene of Crash involving Death- 1F	NONE	30 years prison

69 R  
 2012 FEB 28 PM 12:07  
 FLAGLER COUNTY  
 CLERK OF COURT

I hereby acknowledge that I am in fact guilty of the foregoing offense. When asked by the Judge, I will provide a factual basis to support my plea.

The State of Florida and I have agreed upon the following sentence to be imposed as a condition of this plea:

The defendant will plead guilty as charged in the information. The defendant will be adjudicated guilty and will be sentenced to a term of imprisonment in the State prison system for a minimum of 21 months up to a maximum of 36 months. The Court will hear argument from the parties and decide what term of imprisonment to sentence the defendant to, within this agreed upon range.

In addition to the imprisonment, the defendant will be sentenced to an agreed upon 10 years of probation consecutive to the prison sentence. There will be no early termination of probation.

In addition, the defendant will have her driver's license and driving privileges suspended and revoked for a period of 3 years starting from the date the defendant is released from prison.

All standard conditions of probation will be imposed. As special conditions of probation the defendant must refrain from the consumption of any alcoholic beverages, must not drive a motor vehicle without being validly licensed to do so, must pay court costs, costs of investigation and costs of prosecution. The defendant may not have contact with the survivors in this case by any means. There is no restitution due in this case. The State will not proceed with and will dismiss the civil traffic citation issued in this case. The Court will order a PSI and the defendant will be allowed to remain on bond release until sentencing. Sentencing will be set after April 1, 2013.

**JF** I understand that if probation is part of my sentence that the court may impose any conditions of probation authorized by law, including ~~payment of restitution and~~ public service, and unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the court. I understand that statutory costs, costs of investigation and ~~of restitution~~ may be imposed as part of my sentence. **JF**

I have the right to plead not guilty, or to persist in that plea if it has already been made, and to be tried by a jury with the assistance of a lawyer, the right to compel attendance of the witnesses on my behalf, the right to confront and cross examine witnesses against me, the right to present defenses to the jury, and the right to take the witness stand and testify on my own behalf. I also have the right not to take the witness stand and cannot be compelled to incriminate myself. I give up these rights by entering this plea.

I understand that if I enter a plea without reserving the right to appeal, I will give up my right to appeal all matters relating to the judgment, including the issue of guilt or innocence except for the limited review available by collateral attack. I also give up my right to appellate review on any pretrial rulings made by the court unless such right is specifically reserved in this agreement.

I understand that I may be asked questions by the Judge under oath about this plea and that my answers, if untruthful, may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has forced, threatened or coerced me into entering this plea. No person has made any promises to me that induced me to enter this plea, except those matters specifically set forth in this plea agreement.

My lawyer has reviewed all evidence disclosed through discovery, and has discussed the nature of that evidence with me, including the existence of any physical evidence for which DNA testing might exonerate me. I am satisfied with the representation my lawyer has given me and I have fully discussed my case and the contents of this agreement with my lawyer.

Defendant Initials JF

**I understand** that if I enter a Plea to a felony offense or a sex offense I must register as a convicted felon or as a sex offender as required by law.

**I understand** that if I am pleading guilty or no contest to a sexually violent offense or a sexually motivated offense, or if I have previously been convicted of such an offense, I may be subject to involuntary civil commitment as a sexually violent predator upon completion of any prison sentence imposed.

**I hereby give up** my right to a speedy trial. I understand that if I am not a United States Citizen, entry of this plea may subject me to deportation by the United States Immigration and Naturalization Service.

**I do not suffer** from any physical or mental disabilities to the degree that I am incapable of understanding this agreement, the nature of the proceeding against me, or assisting my lawyer in my behalf. I am not under the influence of alcohol or any drug at this time.

**If I am not in custody**, I acknowledge that part of the plea agreement in this case includes my continued release pending sentencing on bond, pretrial release or release on recognizance. I understand that this portion of the plea agreement is conditioned upon the following requirements:

- (1) If a presentence investigation has been ordered, I must appear at the Department of Correction's office and schedule a presentence investigation not later than the first business day following the entry of my plea and keep all appointments until my presentence investigation report is completed.
- (2) I must obey the order of the Court requiring me to undergo drug or alcohol screening or for other evaluation if such an order has been made in my case.
- (3) I must appear on time for all appointments with the assigned probation officer and not be under the influence of any illegal drugs or alcohol.
- (4) I must appear in court on time for sentencing and not be under the influence of any illegal drugs or alcohol.
- (5) I must have no contact, either direct or indirect, with the victim.
- (6) I must not be arrested for a violation of any criminal law. If clear and convincing evidence is found to support my arrest, the arrest will constitute a violation of this plea agreement.

**I realize** that this agreement is subject to being finally accepted or rejected by the Judge at the time of sentencing and if it is rejected for any reason other than for a breach of this agreement, I may withdraw my plea and go to trial.

**I understand** and agree that if I fail to comply with any of the conditions set forth above I will have breached my plea agreement. In that event I will not be allowed to withdraw my plea and the Judge may sentence me to any sentence authorized by law for the offense(s) to which I have pled

**CERTIFICATE OF DEFENSE ATTORNEY**

I certify that I have fully discussed this case and this plea agreement with the defendant including the nature of the charges, their elements, the evidence of which I am aware, including physical evidence for which DNA testing may exonerated the defendant, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal.

Jamesine Anne Fischer  
Defendant

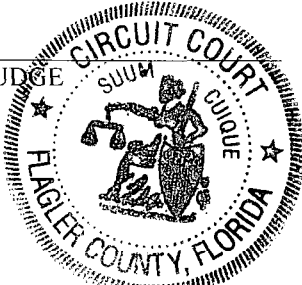
Date of Birth: 9/25/56 Age: 56

[Signature]  
Counsel for the Defendant

SWORN TO BY THE DEFENDANT, SIGNED AND FILED IN OPEN COURT, IN MY PRESENCE, THIS

28 DAY OF Feb, 2013

[Signature]  
CIRCUIT JUDGE



**CERTIFICATE OF PROSECUTION**  
The State accepts the terms of this agreement.

[Signature]  
RUSSELL K. BAUSCH  
Assistant State Attorney