

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

STATE OF FLORIDA,

CASE NO.: 2021-01234-CFFA

2022-000577  
mm

vs.

JOSEPH MICHAEL WESTERVELT,  
DEFENDANT.

PLEA

1. I, Joseph Michael Westervelt, Defendant, withdraw my previously entered plea(s) of Not Guilty, and enter plea(s) of:

( ) Guilty  Nolo Contendere to Possession Controlled Substance, a 3<sup>rd</sup> degree felony/misdemeanor

( ) Guilty ( ) Nolo Contendere to Domestic Battery (2022-000577 mm), a 1<sup>st</sup> degree felony/misdemeanor

( ) Guilty ( ) Nolo Contendere to \_\_\_\_\_, a \_\_\_\_\_ degree felony/misdemeanor

2. I understand that I have the right to plead Not Guilty or persist in that plea if it has already been made. I also understand that if the Court accepts my plea(s) I give up my right to a trial with the assistance of a lawyer, and at that trial, I would have the following rights: (1) to have a jury determine whether I am guilty or not guilty, or to have a judge make such a determination in a non-jury hearing; (2) to see and hear witnesses testify and to have my lawyer question them for me; (3) to subpoena and present witnesses in my defense to a jury or judge; (4) to testify or remain silent; and (5) to require the prosecutor to prove my guilt by admissible evidence beyond a reasonable doubt before I can be found guilty. I also understand that by pleading Guilty or Nolo Contendere, the judge may ask me questions about the offense(s) to which I have pleaded, and 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. I further understand that without express reservation of the right to appeal I give up my right to appeal all matters except court rulings issued after this plea is entered, an illegal sentence, or the court's authority (jurisdiction) to hear my case, and I agree to pay all costs and attorneys' fees of any appeal which I attempt to pursue on any other subject. My lawyer has explained to me what an appeal is, and I understand that changing my mind about entering this plea, after it is accepted, will not require the court to let me withdraw it, nor will it make the court's sentence illegal or deprive the court of authority to sentence me.

3. I understand that a plea of "Not Guilty" denies that I committed the crime charged and a plea of "Guilty" admits I committed the crime charged. A "Best Interest Guilty" plea or a plea of "Nolo Contendere" mean I do not contest the state's evidence against me. By entering the above plea(s) I am voluntarily submitting myself to the court's sentencing authority. I understand that if the court accepts my plea(s), the sentence(s) imposed will be based on my plea(s). I agree that a factual basis for the court to accept my plea(s) is contained in documents in the court file, including the complaint affidavit(s). I understand that if I am not a citizen of the United States, I will be deported. I understand that the court may impose monetary penalties/assessments to include fines, court costs, restitution (if applicable) and/or other fees.

4. I have read the Information or Indictment in this case, and I understand the charges to which I am pleading. My lawyer has explained to me: the maximum and minimum penalty(ies) for the charges against me, including enhanced sentencing laws for which the state has given my lawyer notice; the essential elements of the crime(s) I am charged with; and all defenses I might have. I understand that if I am on parole or probation in any other case, this plea can cause that parole or probation to be revoked and I can receive a separate sentence up to the maximum allowed by law for that (those) case(s).

5. I understand that if I receive a sentence of probation in this case, I may be required to serve time in the county jail as a condition of probation. Additionally, I understand that if I violate that probation, I can be sentenced to the maximum allowed by law.

6. No one has promised me anything to get me to enter this (these) plea(s), except as stated herein. If entering an open plea: I understand that I am pleading open to the Court. My lawyer and the judge have not promised me that I will receive a specific sentence. I also understand that the judge is not required to follow any state or defense recommendation regarding sentencing. If entering a conditional plea: I understand that I am entering a plea based upon an agreement between the State and myself. My lawyer has not promised me anything more than what has been agreed upon in this conditional plea agreement. If the judge accepts the terms of the agreement, I understand that I will be sentenced in accordance with the agreement.

a. I am entering a(n): Open Plea: \_\_\_\_\_ Conditional Plea:

b. The state recommends the following sentence:

120 days concurrent w/ 2022-000577  
each case

7. No one has pressured, coerced, or forced me to enter this (these) plea(s). I am entering this (these) plea(s) because I am guilty of the crimes charged or I believe it is in my best interest to do so. I am doing this voluntarily and of my own free will.

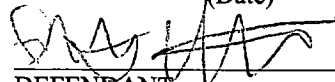
8. I understand that my sentence will be imposed under the Sentencing Guidelines that apply to my case, unless I qualify for enhanced penalties under Chapter 775, Florida Statutes, or other statutes. If no enhanced sentence is requested or applies, I understand that the court can impose a sentence exceeding the guideline range only by stating clear and convincing reasons under the guidelines law. If the court imposes a sentence exceeding the guidelines range, I will have the right to withdraw my plea(s) or appeal the sentence, unless enhanced penalties apply and are lawfully imposed. No representations or promises have been made to

me regarding "gain time," "good time," "early release," or prison credit toward my sentence, which I understand the court and my lawyer cannot affect. Only the Department of Corrections can calculate a release date.

9. I understand that if I am pleading to a sexually violent or sexually motivated offense, or if I have previously been convicted of such an offense, my plea may subject me to involuntary civil commitment under the Involuntary Civil Commitment of Sexually Violent Predators Act. My lawyer has explained the aspects of civil commitment to me and the mandatory, statutory conditions of sex-offender probation, including the requirement to wear a GPS monitor at all times.
10. I understand and have discussed with my lawyer that if I am entering a plea of Guilty or Nolo Contendere to an offense for which automatic, mandatory driver's license suspension or revocation is required by law to be imposed, by the court or by a separate agency, the plea will provide the basis for the suspension or revocation of my driver's license/privilege.
11. My lawyer has reviewed the nature of the evidence with me and I am not aware of any physical evidence containing DNA that could exonerate me.
12. I understand and agree that if the judge permits me to remain at liberty pending sentencing, I must notify my lawyer, my bondsman and/or pretrial services officer (if any), and the Clerk of Court of any change of my address. I also understand that if a Pre-Sentence Investigation (PSI) is ordered and I fail to appear for an appointment with the Department of Corrections for the PSI interview, the court can revoke my release and place me in jail until the PSI is completed or until sentencing.
13. I understand that if I willfully fail to appear for sentencing, any conditions of a "conditional plea" will no longer be binding upon the judge, and that I may be sentenced to any lawful sentence that could be imposed without the conditions.
14. I can read, write, speak and understand the English language or have had an interpreter read this document to me in my native language with my lawyer present. I have 12 years, or equivalent, of education (example: high school or GED = 12 years). I am not under the influence of any drug, medicine or alcohol at the time I sign this plea form. I am not suffering from any mental problems at this time that affect my understanding of this document, other than as explained to the judge on the record in open court, or as reflected in the court file.
15. I have read and understand every printed or handwritten word in this plea form and have discussed it with my lawyer. I am fully satisfied with the services of my lawyer and have had ample opportunity to discuss this case and my plea(s) with my lawyer. I have told my lawyer everything I know about my case. No one, including my lawyer, has made any promises or representations to me which modify or contradict this plea document, other than what I have told the judge in open court.

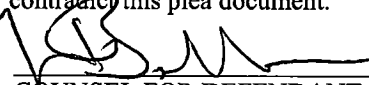
SIGNED, or acknowledged, in open court in FLAGLER County, Florida on May 9, 2022.

(Date)

  
 \_\_\_\_\_  
 DEFENDANT 6345

**CERTIFICATE OF DEFENDANT'S ATTORNEY**

I hereby certify that as counsel for Defendant, I have discussed this case with my client and explained the rights, defenses and evidence relating to it with him/her. I have discussed this written plea form with my client and have answered all of his/her questions regarding it. In my professional opinion, as an officer of the court, Defendant understands everything in this plea form, his/her rights, and the consequences of this (these) plea(s). His/her plea is being made freely, voluntarily and knowingly. I have made no promises or representations to my client which modify or contradict this plea document.

  
 \_\_\_\_\_  
 COUNSEL FOR DEFENDANT  
 E-123... # 0716200

**CERTIFICATE OF ASSISTANT STATE ATTORNEY**

I confirm that the recommendations set forth in this plea form are the recommendations of the Office of the State Attorney. The State has complied with the Victim Rights statute, if applicable.

  
 \_\_\_\_\_  
 ASSISTANT STATE ATTORNEY

**ORDER ACCEPTING PLEA**

The foregoing plea document was received and accepted in open court. Defendant signed, or acknowledged signing, this document while under oath and subject to the penalties of perjury. The court finds the plea to be freely and voluntarily entered and that a factual basis exists in the record for the court to accept it. By accepting this (these) plea(s), the court is not required to follow any state or defense recommendation stated herein, unless a "Conditional Plea" is fully described in paragraph 6, above.

Accepted by the court.

  
 \_\_\_\_\_  
 CIRCUIT JUDGE

