

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

STATE OF FLORIDA

Case #: 2015-387- CFFA

VS.

KIMBERLE WEEKS

PLEA AGREEMENT

1. My full name is KIMBERLE WEEKS, and I acknowledge that I am the defendant charged in the above-styled criminal cases.

2. I wish to withdraw my previously entered plea of not guilty and plead no contest to the charge(s) of:

COUNT 2: INTERCEPTION OF ORAL COMMUNICATION
3RD DEGREE FELONY
F.S. 934.03(1)(A)

3. I understand that, upon conviction of Interception of Oral Communication in violation of F.S. 934.03, the maximum penalty provided by law which may be imposed is: five (5) years in Prison in the Florida State Prison system; a fine, plus court costs, investigative costs, and costs of prosecution.

4. Pursuant to the Florida Rules of Criminal Procedure 3.171(b)(1)(A)(iii), the State and the Defendant agree to the imposition of the following sentence:
 - a. The defendant will plead no contest to count two (2) indicated in section 2 of this plea agreement.
 - b. The defendant will be adjudicated on Count two (2).
 - c. The defendant will be sentenced to eighteen months probation with the Florida Department of Corrections. Special Conditions of probation are as follows:

Weeks Plea

Page 1 of 4

- 1) 1st 30 days in the Flagler County Jail.
- 2) The defendant will pay costs of prosecution in the amount of \$100 to the State Attorney's Office. This is one time for the entire case and not per a count.

The defendant will pay Court Costs in the amount of \$418. This is one time for the entire case and not per a count.

- 3) The defendant will pay cost of investigation to the FDLE in the amount of \$2871.83. This is one time for the entire case and not per a count.
- h. The State agrees as part of this plea to permit the Defendant to withdraw her plea entered today if her trial on Counts 1, 3, 4, 5, 6, 7, 8, and 9 are overturned on appeal. The Defendant agrees to waive any Constitutional limitations on the reinstatement of all Counts. If Counts 1, 3, 4, 5, 6, 7, 8, and 9 are dismissed on appeal the instant count may be 1) dismissed on appeal, 2) may be withdrawn if the appellate court overturns counts 1, 3, 4, 5, 6, 7, 8, and 9 or 3) if Counts 1, 3, 4, 5, 6, 7, 8, and 9 are dismissed on appeal for an issue that is not dispositive of Count 2, the defendant will be entitled to withdraw her plea on Count 2.
- i. Count 2 is to run concurrent to all other counts on this case.

5. Other than the plea agreement set out directly above in paragraph 4, no one has made any promises or guarantees to me in exchange for pleading no contest. No one has threatened me or in any way forced me to enter into this plea agreement. I enter my plea freely and voluntarily and with the understanding that it is in my best interest to do so.

6. I am represented by KEVIN KULIK, Esq.

7. I have told my lawyer all the facts and circumstances known to me about the charges against me. I believe my lawyer is fully informed on all such matters. 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. Any questions I have had about my case have been answered to my satisfaction by my lawyer.

8. I am satisfied with my lawyer's services, and feel that my attorney has represented me to the best of his ability.

9. I understand that I may plead not guilty to any offense charged against me. If I choose to plead not guilty, the Florida and United States Constitutions guarantee me the right to maintain that plea as well as the following rights: (a) the right to a speedy and public trial by jury; (b) the right to see, hear and face in open court all witnesses called to testify against me; (c) the right to

use the power and process of the Court to compel the production of any evidence including the attendance of any witnesses in my favor; (d) the right to have the assistance of a lawyer at all stages of the proceedings and to have one appointed for me if I can not afford one; (e) 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 that this may not be held against me; and (f) if convicted, I would have the right to appeal the verdict and sentence.

10. I understand that by pleading no contest I give up these rights and admit the truth of the charge against me. I further understand that the effect of my plea of no contest is the same as being convicted after trial.

11. I understand that a plea of no contest admits the facts of the charge for purposes of the plea and a plea of not guilty denies the charge.

12. I am not under the influence of any alcoholic beverage, drug or medicine at the time I sign this PLEA AGREEMENT. I am not suffering from any mental problems that affect my understanding of this PLEA AGREEMENT.

13. I understand that if I am not a United States citizen, this criminal proceeding could cause me to be deported to the country of my origin.

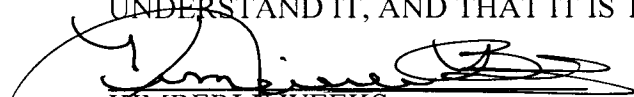
14. I understand that if there are any unpaid fines or court costs, there will be a lien placed against me.

15. I understand that I may withdraw my plea of no contest to the charges described in this agreement if the trial judge does not concur in the plea of no contest under the specific terms and conditions of this agreement or if at sentencing the trial judge seeks to impose a sentence inconsistent with this agreement.

16. I understand that I waive my right to appeal the rulings of the Court made previously in this case. This does not preclude my appeal which is currently pending and stemming from the trial for the other charges.

17. I understand I have the right to appeal the judgment and sentence of the Court within thirty (30) days from the date of sentence if it is an illegal sentence. I understand that if I wish to take an appeal and cannot afford an attorney to help in my appeal, the Court will appoint an attorney to represent me for that purpose.

I HEREBY SWEAR THAT I HAVE READ THE FOREGOING PLEA AGREEMENT, THAT I UNDERSTAND IT, AND THAT IT IS TRUE.


KIMBERLE WEEKS
Defendant

11/20/18
Date:

ACKNOWLEDGMENT OF DEFENSE COUNSEL

I, the undersigned member of the Florida Bar, hereby represent to the Court that I represent the above-named defendant; that I reviewed and explained this PLEA AGREEMENT to the defendant; and to the best of my knowledge and belief the defendant fully understands its contents.

I further hereby assure the Court that so far as I know no assurances or understandings have been given to the defendant as to the disposition of his case which are different or contrary to what is outlined above.

Ashley Key ESQ
FOR
KEVIN KULIK, Esq.,
Attorney for the Defendant

November 20, 2018
Date: _____

CERTIFICATE OF PROSECUTOR

I hereby assure the Court that the terms of this negotiated plea, as set forth above, are tendered to the Court with the consent of the State of Florida and with the knowledge of the victims and investigating officers.

Jason Lewis
Assistant State Attorney

11/20/18
Date: _____

A factual basis was heard and found sufficient to support the charge, and/or its sufficiency was stipulated to by counsel.

The Court finds that you are alert and intelligent, that you understand the nature of the charge against you and appreciate the consequences of pleading guilty, that you understand that by entering your plea you waive your rights as indicated in the foregoing PLEA AGREEMENT, and that the facts the State is prepared to prove are sufficient to sustain the plea. The Court further finds that your decision to plead is freely, voluntarily and intelligently made and that you have had the advice and counsel of a competent lawyer with whom you say you are satisfied. Your plea of guilty is accepted.

Margaret
Judge Margaret
Circuit Judge



11/20/18
Date: _____