

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

STATE OF FLORIDA

CASE NO.: 2017 CF 000027  
DIVISION:

VS.

AARON WHITLEY,

Defendant.

\_\_\_\_\_ /

**PLEA FORM**

(Please initial all appropriate paragraphs and fill in blanks)

My full name is Aaron Whitley, and I am also known as N/A. I am 44 years of age. I have gone of school up to and including (education) 12+.

I am represented by a lawyer whose name is Aaron D. Delgado. 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 each case,

My lawyer his fully informed in all issues in the cases(s) . My lawyer has informed me that he has considered all the statements of, or interviewed all witnesses relating to my case (including alibi witnesses and defenses available to me.) Furthermore, my attorney has explained to me the right to inspect all physical evidence collected in the case and have DNA testing on any of the physical evidence that may prove my innocence. By entering this plea I waive my rights to conduct any DNA testing not already done.

At this time I wish to withdraw my prior plea of not guilty, if one has been entered and instead enter a plea of (please initial you selection):

Guilty because I am guilty of the offense(s) as outlined on this plea form and in the plea colloquy; or,

Nolo Contendere (no contest) to the offenses as outline on this plea for and in the plea colloquy because it is in me best interest to the charge(s) of:

1. **Lewd and Lascivious Conduct**

I have been advised that the statutory maximum sentence for the charges to which I am pleading is 15 years imprisonment and/or a fine of \$ 5,000.

I have also been advised that if there are minimum mandatory sentences of incarceration, I'll have to serve N/A years in prison as part of any sentence, and/or pay a minimum fine of \$ N/A, (please write N/A if not applicable)

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. I also understand that the Court may require me to pay restitution and/or costs in investigation in this case.

I understand that I have the right to please 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 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, I give up my rights as listed in this paragraph and that there will be no trial.** I further understand that if I plead guilty, 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 the prosecution of perjury.

I am NOT presently on probation/early prison release/parole. I understand that by pleading guilty or nolo contendere in this case it may cause a revocation of my probation/early prison release/parole and that this could result in a sentence if 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.

I understand that if I plead guilty, 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.

Other than the agreement, if any, contained on this plea 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.

My lawyer has advised me of consideration bearing on the choice of which 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 in this form was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of any 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 HE HAS GIVEN ME.** Even though I have been assisted and advised by my lawyer, the decision to plead guilty/nolo contendere (no contest) is mine alone and is made by me after considering the advice and counsel of my lawyer.

JIMMY RYCE/SEX OFFENDER 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 of Florida to commit me to a secure treatment facility, for an indefinite period of time, as a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent offense in the future.

I have also been advised that if I pleading to any sexually related offense, Florida law requires me to register as a sex offender and such requirements will be a condition of sentence.

IMMIGRATION AND NATURALIZATION WARNING: I understand that if I am not a United States Citizen, this pleas and resulting sentence will lead to my deportation pursuant to the laws and regulations governing the United States Department of Homeland Security/Immigration and Naturalization Services; and in some instances, depending on the nature of the offense, I will be mandatorily deported. I have consulted with my lawyer regarding this issue and I am satisfied with the answers he has given me.

DRIVERS LICENSE SUSPENSION WARNING: I understand that If I am convicted of certain drug offenses, the Florida Department of Highway Safety and Motor Vehicles may administratively suspend my driving privileges without any input from the court.

I believe that I am competent to enter this plea and enter this plea knowingly, freely, and voluntarily. My physical and mental health is presently satisfactory, The exception to this is (write any mental or physical conditions which affect your ability to understand this form) NIA.

At this time I am not under the influence of any drugs or intoxicants (if you are under the influence of any drug or substance you must tell the court and/or your attorney prior to signing this form). At this time I am taking the following medications: NIA

### PLEA AGREEMENT

X The Defendant and State, pursuant to provisions of Fla.R.Crim. P.3.171, agree as follows. My sentence has been negotiated in his case in that I will be:

X Adjudicated Guilty

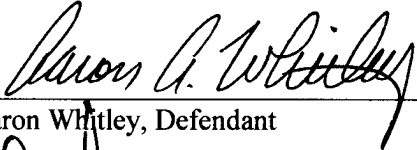
\_\_\_\_\_ Adjudication of guilt will be withheld


And I will be sentenced to: (print legibly)

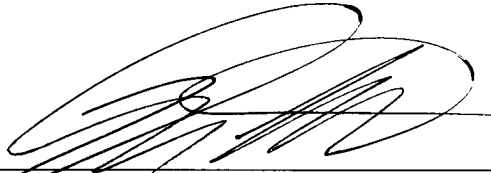
24 months DOC followed by ten (10) years sex offender probation with all standard sex offender conditions, register as a sex offender; Standard court costs; \$100.00 costs of investigation; \$100.00 costs of prosecution; It is agreed that Mr. Whitley SHALL BE allowed contact with his biological children but no other children unless approved by sex treatment provider.

The State and the Defendant stipulate and agree that the Defendant is entitled to \_\_\_\_\_ days credit for time I have already served in this/these case(s) and I waive any other credit I may be entitled to. I agree that if the Judge gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

Both my attorney and I have signed this plea agreement in open court at the Kim C. Hammond Justice Center in Bunnell, Florida this \_\_\_\_ day of July, 2018.


  
\_\_\_\_\_  
Aaron Whitley, Defendant

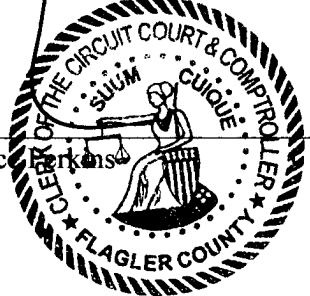
  
\_\_\_\_\_  
Assistant State Attorney

  
\_\_\_\_\_  
Daniel Leising, Esquire for  
Aaron D. Delgado, Attorney for Defendant

**ORDER ACCEPTING PLEA**

The foregoing plea document was received and accepted in open court. The 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 plea(s), the court is not required to follow any state or defense recommendation stated herein, unless a "Conditional Plea" is fully described above.

  
\_\_\_\_\_  
The Honorable Terence Parkins  
Circuit Court Judge



1 By signing this form Defense counsel certifies that he has explained his form to the defendant and answered all the Defendant's questions including by not limited to the ramifications of entering the plea of guilty or no contest and the possible consequences of the plea, the terminology of the form if the defendant is unfamiliar with the terms used, and the defendant's exercise of his/her rights and effect of waiving those rights.  
2 By signing this for the Assistant State Attorney certifies to this Court that all exculpatory evidence, physical or otherwise, has been disclosed in discovery, including but not limited to any physical evidence which may be exculpatory in nature and that my DNA tested.