

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA  
CRIMINAL DIVISION

STATE OF FLORIDA,

Case Number(s):

2020 CF 159

vs.

Justyn Pennell  
aka \_\_\_\_\_  
Defendant.

Person ID/SPN: \_\_\_\_\_

**PLEA FORM**

1. I, Justyn Pennell, Defendant herein, do hereby withdraw my plea of Not Guilty and enter a plea of ~~Guilty~~ Guilty ~~No Contest~~ No Contest ~~an Admission~~ an Admission to the charge(s) of First Degree Premeditated Homicide in the above-referenced case(s). This plea is to reduced charge(s) \_\_\_\_\_.
2. I understand that a plea of Not Guilty denies my guilt, a plea of No Contest means that I will not contest the evidence against me, and a plea of Guilty or Admission to a violation of probation/community control admits my guilt. I understand that if the Court accepts my plea there will be **no trial or evidentiary hearing and I will be sentenced based upon my plea.**
3. I understand that the Judge may question me about the offense(s) and entry of the plea and that my false answer may be used against me in a perjury prosecution.
4. I understand that if the Court accepts my plea, I give up the following rights:
  - a. The right to a trial by jury or, for a violation of probation/community control, the right to a hearing before a judge.
  - b. The right to be represented by an attorney at every stage of the proceedings and the right to have an attorney appointed if I cannot afford one.
  - c. The right to confront and cross-examine witnesses at trial or a hearing on a violation of probation/community control.
  - d. The right to compel the attendance of witnesses at trial or a hearing on a violation of probation/community control.
  - e. The right not to testify or be compelled to incriminate myself.
  - f. The right to require the State to prove my guilt beyond a reasonable doubt or, if charged with a violation of probation/community control, the right to require the State to prove that I have willfully violated my probation by the greater weight of the evidence.
  - g. The right to appeal all matters related to the judgment within 30 days, including the issue of guilt or innocence, unless expressly reserved. I retain my right to review by appropriate collateral attack.
5. I understand the charge(s) placed against me and to which I am pleading. If applicable to my case(s), my lawyer has reviewed the sentencing guidelines scoresheet with me. My lawyer has also explained the following to me:
  - a. The essential elements of the charge(s) to which I am pleading.
  - b. Any possible defenses I may have to the charge(s) to which I am pleading.
  - c. The lowest permissible guidelines sentence and maximum sentence provided by law for the charge(s) to which I am pleading, which is/are: Life
  - d. Any minimum-mandatory penalties provided by law for the charge(s) to which I am pleading, which is/are: \_\_\_\_\_

FILED FOR RECORD  
1000 County Florida  
2022 MAR 01 AM 10:09  
JIM AUSTIN, CLERK  
COURT REPORTER  
PASCO COUNTY, FLORIDA

JP  
Def. Initial

6. I understand that if I am being sentenced as a ( ) **Habitual Felony Offender**, ( ) **Habitual Violent Felony Offender**, ( ) **Three-Time Violent Felony Offender**, ( ) **Violent Career Criminal**, or ( ) **Prison Releasee Reoffender**, the statutory scoresheet recommendation will **NOT** apply to my sentence. If entitled to notice, I have received notice of the State's intention to enhance my sentence, or I hereby waive my right to such notice. I acknowledge that I have the requisite prior felony convictions to qualify for the indicated designation, that I have not been pardoned for the offense(s) connected with those convictions, and that none of those convictions have been set aside in any postconviction proceeding.

7. I understand that the Department of Corrections is solely responsible for awarding gain time or any type of early release. I further understand that, depending on the nature of the offense(s) to which I am pleading, I may **NOT** be eligible for gain time credits or release programs that shorten the length of the sentence(s) imposed. I understand that any information I have received concerning gain time or early release is not a part of any plea discussion or agreement.

8. I am entering this plea because I acknowledge my guilt or acknowledge that the plea is in my best interest. No one has pressured me or forced me to enter this plea against my will and no one has promised me anything to entice me to enter this plea; however, there has been an understanding that my sentence will consist of:  
Adjudication of Guilt  
\_\_\_\_\_

which ( ) includes a minimum-mandatory term of \_\_\_\_\_.

9. I am not aware of any physical evidence disclosed by the State for which DNA testing may exonerate me. I am not aware of any other physical evidence containing DNA known to exist that could exonerate me.

10. I do not require the State to tell the Judge the facts upon which the charge is based before the Judge accepts my plea and I agree that the Judge may rely upon any probable cause statement or affidavit in the court file for a factual basis to justify the acceptance of my plea.

11. I am not presently suffering from any mental, emotional, or physical problems, which adversely affect my understanding of this plea and I am not under the influence of alcohol, drugs, or medicine at the present time except for ASD Level 1  
\_\_\_\_\_

12. My education consists of \_\_\_\_\_ years of school.

13. I understand that if I am not a United States Citizen, this plea may have the additional consequence of changing my immigration status, including deportation or removal from the United States. I understand that if I need additional time to discuss this matter with counsel, I must request to do so at this time, and the court must allow me a reasonable amount of time to confer with counsel before accepting my plea.

14. I understand that if I have ever been convicted of or pled Guilty or No Contest to a sexually violent or sexually motivated offense, or if I am required to register as a sexual offender, or if I have ever been placed in the custody of the Department of Children and Families for evaluation as a sexual violent predator, I may be subject to a civil commitment proceeding for sexually violent predators as a result of this plea.

15. If I am entering a plea to an offense for which automatic, mandatory driver's license suspension or revocation is required, regardless of whether the suspension or revocation is by the court or by a separate agency, I understand that this plea may result in the automatic, mandatory suspension or revocation of my driver's license.

16. I understand that if I am on parole/conditional release, this plea may result in the revocation of my parole/conditional release and my return to prison to complete the sentence from which I was released. I further understand that if I am on probation/community control, this plea may result in the revocation of my probation/community control and the imposition of a separate sentence up to the maximum penalty for the offense for which I was placed on probation/community control.

JP  
Def. Initial

- 17. I understand that if the Judge permits me to remain at liberty pending sentencing, I must notify my lawyer, my bondsman or ROR officer, and the Court of any change of address.
- 18. I understand that sentencing is scheduled for: \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM / PM.

**Presentence Investigation**

- 19. I understand that if I am being sentenced for my first felony offense, or as a Habitual Felony Offender, a Habitual Violent Felony Offender, Or Three-time Violent Felony Offender, I am entitled to a Presentence Investigation (PSI). I further understand that if I am a juvenile being prosecuted as an adult, I have the right to have the Court consider a Predisposition Report prepared by juvenile authorities, which would assist the Court in deciding if adult or juvenile sanctions should be imposed upon me. I hereby waive my right to a Pre-Sentence Investigation or Predisposition Report so that I may proceed directly to sentencing.

**Credit for Time Served in County Jail**

- 20. I understand that pursuant to this negotiated plea agreement, I will receive credit for time incarcerated in a county facility before the imposition of the sentence as outlined in this section. I also understand that I am waiving any entitlement to jail credit in the above-styled case(s) other than what is explicitly agreed to below as part of this negotiated plea agreement.

Case Number(s)*	Jail Credit
2020 CF 159	803

\*Include all case numbers to which this plea applies.

**Restitution**

- 21. I agree to restitution in the amount indicated in the attached Restitution Addendum incorporated as page 4 of 4. If the amount of restitution is not decided at this time, I understand that I will have 30 days from the date written notification of the preliminary amount of restitution is mailed to me, or otherwise delivered to me, to deliver to the Court a written request for a hearing contesting the preliminary amount of restitution. **Failure to deliver a written request for a restitution hearing within the 30 day time period specified herein will result in the preliminary amount of restitution being established as the final amount of restitution.**

- ( ) A restitution hearing has been scheduled for \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ AM / PM.
- ( ) I hereby waive my right to be present at the restitution hearing.

**Costs and Fines**

- 22. If I am to be placed on probation or community control, I will pay the cost of supervision as ordered by this Court commencing with the first day of probation or community control.
- 23. My attorney has reviewed with me all statutory costs being assessed by the Court. My attorney has further advised me that I have a right to have the amount of each discretionary cost individually announced in open court. I hereby waive my right to such individual announcement and agree to pay all fines and costs, including the fines and costs checked on the attached sheets. The total fines and costs are \_\_\_\_\_.

JP  
Def. Initial

**Attorney Fees and Costs**

24. If my lawyer was appointed to represent me, I understand that the Court will assess an application fee as part of my sentence or as a condition of probation if the application fee was not paid at the time of filing my affidavit of indigence with the Clerk of the Circuit Court. I understand that attorney fees and costs will be assessed against me pursuant to Section 938.29, Florida Statutes. I understand that I have a right to a hearing before the Court to determine the amount of attorney's fees and/or costs in excess of the minimum fees and costs provided by Section 938.29, Florida Statutes, and that I will be waiving or giving up that right if I do not deliver my written request for a contested hearing to the Court within 30 days from the date the preliminary amount is mailed or otherwise delivered to me.
25. I further understand that there will be lien(s) placed against me and/or my real property for any unpaid fines, attorney fees, costs of prosecution, and court costs.

I have read or had this plea form read to me by the undersigned interpreter, have understood every word, and have discussed it with my lawyer. I am completely satisfied with the services of my lawyer and I feel that I have had enough time to discuss my case(s) and this plea with my lawyer.

SWORN TO, SIGNED, AND FILED IN OPEN COURT in the presence of my lawyer and the Judge this 21<sup>ST</sup>  
day of March, 2022

Justyn Pennell  
Defendant

I have read this form to the Defendant in \_\_\_\_\_  
(language)  
\_\_\_\_\_  
Interpreter

**CERTIFICATE OF COUNSEL**

I hereby certify that I am counsel for the above-named Defendant and that I have discussed this case with my client and explained the rights, defenses, elements, and evidence relating to this case to my client. I have further reviewed with my client all mandatory and discretionary statutory fines and costs being assessed against him/her. I have reviewed the discovery disclosed by the State, including a listing or a description of physical evidence. I reviewed the nature of the evidence disclosed through discovery with my client. I am personally unaware of any physical evidence for which DNA testing may exonerate my client. I have advised the Defendant of the deportation consequences of this plea including whether this plea will invoke any presumptively mandatory deportation proceedings under the Immigration and Nationality Act. I believe the Defendant understands this plea form, his/her rights and the consequences of pleading and that he/she is entering this plea freely, voluntarily, and knowingly. I do not believe the Defendant to be under the influence of any substances or suffering from any mental or emotional illness that prevents him/her from understanding these proceedings.

[Signature]  
Counsel for the Defendant

I hereby certify that I am personally unaware of any physical evidence for which DNA testing may exonerate the above-named Defendant.

[Signature]  
Assistant State Attorney

I hereby find that the above-named Defendant did, on this date, freely, voluntarily, and knowingly change his/her plea in the above-referenced case(s).

[Signature]  
Circuit Judge