

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 052017CF010463AXXXXX

vs.

KRISTEN MARIE DEPASQUALE
Defendant.

PLEA AGREEMENT

The undersigned defendant withdraws the previously entered plea(s) of not guilty and tenders a plea of () guilty, (X) **no contest** as follows:

Offenses:

COUNT 1: DISMISSED

**COUNT 2: AGGRAVATED CHILD ABUSE WITH GREAT
BODILY HARM (F1) 827.03**

Maximum Sentence

LIFE

30 YEARS &/OR \$15,000 FINE

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

COUNT 1: DISMISSED IN EXCHANGE FOR THE PLEA TO COUNT 2

COUNT 2: Withhold adjudication of guilt, 10 years probation (may apply for early termination after ½ the term if all conditions are complete & there are no violations), no possession or consumption of controlled substances without a valid prescription, random testing, comply with any dependency court orders or DCF case plan if applicable, court costs, \$100 cost of prosecution, cost of investigation to Oviedo PD of \$3,000, DNA/Prints

- **This is a stipulated downward departure by agreement of the parties**
- **There is no DNA evidence, known to the State, that exonerates the defendant in this case**
- **The defendant may be re-sentenced to the balance of the maximum sentence of 30 years, for this offense, if she is found to have committed a violation of her probation, by a preponderance of the evidence, and the court determines that the violation is willful and substantial.**

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 Service.

I understand that probation may be part of my sentence unless specifically excluded by this agreement.

I understand that if probation is a part of my sentence, the Court may impose conditions of probation authorized by law and, unless conditions are specifically attached hereto, those conditions are by this agreement left to the discretion of the Court. I further understand that statutory costs may be imposed as part of my sentence unless those costs are waived by the Court.

I understand that if probation is a part of my sentence, unless excluded by this agreement, the Court may impose a term of imprisonment in the County Jail as a condition of probation or community control up to 364 days.

I understand that I have the right to plead not guilty and to be tried by a jury with the assistance of counsel; the right to compel attendance of 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 not to take the stand and testify; I waive those 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 understand that I may be asked questions by the Court under oath about this plea and that my answers may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has 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.

Defendant Initials _____

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.

There have been no promises made to me by anyone regarding how many points I will score on my sentencing scoresheet.

I have fully discussed my case with my lawyer and I am satisfied with the representation my lawyer has given me. I fully understand the nature of the charges against me.

I am in good physical and mental health and I am not under the influence of alcohol or any drug at this time.

If I plead guilty or nolo contendere, and the offense to which I am pleading is a sexually violent offense or a sexually motivated offense, or if I have been previously convicted of such an offense, the plea may subject me to involuntary civil commitment as a sexually violent predator upon completion of my prison or jail sentence. It shall not be necessary for the trial judge to determine whether the present or prior offenses were sexually motivated in this respect, as this admonition shall be given to all defendants in all cases.

I hereby waive my right to a speedy trial.

I acknowledge that, if part of this plea agreement includes my release or my continued release on recognizance, then this portion of the plea agreement is conditioned upon the following:

- (1) I must appear at the probation office at 801 Dixon Blvd., Suite 1104 Cocoa, FL 32922, (321) 634-3570, and schedule a presentence investigation not later than the first business day following the entry of my plea.
- (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 sufficient evidence is found to support my arrest by a preponderance of the evidence, the arrest will constitute a violation of this plea agreement. *See Neeld v. State*, 977 So.2d 740 (2008).

I realize that this agreement is subject to being accepted or rejected by the Court, 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.

The following conditions shall also apply. (See Attached)

I understand and agree that if I fail to comply with any of the conditions set forth below I will have breached my plea agreement. In that event I will not be allowed to withdraw my plea and the Court may sentence me to any sentence authorized by law for the offense(s) to which I have pled, including the statutory maximum penalty for each crime to which I have pled under this document.

SWORN TO, SIGNED AND FILED IN
OPEN COURT, IN MY PRESENCE
THIS ____ DAY OF _____, 2019.

KRISTEN MARIE DE PASQUALE
06/26/1989

Circuit Court Judge

Defendant Initials _____

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 exonerate 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.

Counsel for Defendant

CERTIFICATE OF PROSECUTION

The State accepts and recommends to the Court the terms of this agreement.

SEAN M. SENDRA
Assistant State Attorney