

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

14-0538 - DWLER - 3F°
14-0885 - DWLSR - 3F°
False Name Leo 1°mm
Poss LIT 20 1°mm
DUI - 1°mm
14-3814 - DWLSR - 3F°
15-606 - DWLSR - 3F°

STATE OF FLORIDA,
Plaintiff,

vs.

Case No(s): 032015CF04614A

MELISSA KRISTINE KENNEDY,
Defendant.

PLEA, WAIVER AND CONSENT

I, the above named and undersigned defendant hereby acknowledges that I have been orally informed in open court this date of certain legal rights and other information at this proceeding, namely:

1. I hereby enter my plea of no contest guilty to the crime(s) of:

1) SECOND DEGREE MURDER WITH A FIREARM 782.04 2 (L F)

and the plea agreement as to my sentence on the listed charge(s) is as follows:

Adjudicated guilty Adjudication is withheld Adjudication up Judge No objection to adjudication being withheld

40 year(s) Prison (DOC)

month(s) year(s) Community Control

month(s) year(s) Probation

SEX OFFENDER PROBATION

JESSICA LUNSFORD ELIGIBLE

Sentence(s) shall be concurrent consecutive with one another

Court costs, fines, and community service hours will be imposed:

Other assessments may include a Public Defender lien of \$340, \$20 to Crime Stopper's Trust Fund, \$60 to Court Construction Improvement Account, and others as announced.

Early termination of supervision, if possible, after _____ month(s) year(s) provided all conditions of supervision have been met and there are no violations.

Restitution shall be assessed for the total amount of \$ 2575.00; payable to Victim's Crime Compensation Trust Fund.

270 day(s) jail time credit will be awarded.

100 hours public service work to be performed at the direction of the assigned Probation Officer at the minimum rate of 8 hours per month.

\$20 monthly for cost of supervision.

Drug Offender Probation to include random urinalysis at the defendant's expense; the defendant shall not be subjected to testing for Marijuana only during the first 30 days of supervision; first random urinalysis for other drugs shall serve as a baseline. Comply with attached Drug Offender conditions.

Drug and Alcohol Evaluation and Counseling, as recommended; zero tolerance for use of controlled substances; random urinalysis at defendant's expense; the defendant shall not be subjected to testing for Marijuana only during the first 30 days of supervision; first random urinalysis for other drugs shall serve as a baseline.

DHSMV may apply additional penalties.

Time served on Misdemeanors.

DNA Sample Forfeit seized items

Testify truthfully against any co-defendant(s)

Mental Health Evaluation and Counseling as Recommended

No contact at all with any victim(s) or co-defendant(s)

Letter of apology to: _____

Other: This 40 year minimum mandatory sentence is imposed pursuant to the 10-20-Life law section 775.087(2) Florida Statutes.

I feel my plea is in my best interest.

2. I have been advised of the nature of the charge(s) against me, and have had sufficient time to discuss them with my attorney who is present with me in Court, and who has explained to me every accusation therein. I am satisfied with the services and advices of my attorney.

3. I further acknowledge that I have been advised that probation may or may not be granted, and that no person, officer, agent or any branch of government, nor my attorney, has made any promises or suggestions of any kind to me or to anyone else within my knowledge that if I would plead to these charges I would receive a light sentence, probation or other form of leniency, except as embodied in this plea agreement on this form. I understand the complete terms of the plea agreement, including any obligations under such agreement and if the Court does not concur in such agreement, my plea may be withdrawn.

4. I understand that I have the right to plead not guilty; to be tried by a trial jury who would determine my guilt or innocence; to have the assistance of counsel at trial and all other stages of the proceedings against me; to compel the attendance of witnesses on my behalf; to confront and cross-examine

Handwritten notes and stamps: "VOPs - time served", "2016", "BAY COUNTY FLORIDA", "COURT CLERK".

witnesses against me; to remain silent at all times and not be compelled to give evidence against myself; I understand that upon my plea that there will be no further trial of any type. I knowingly give up and waive each of these rights.

5. This plea is made without reservation of the right to appeal the judgment of the Court, including guilt or innocence. I understand that I will not be entitled to the services of a public defender for any appeal other than an appeal based upon an illegal sentence and I must file any notice of appeal within thirty (30) days of sentencing.
6. My plea is entered here today freely and voluntarily, of my own free will and accord, and no one has forced, threatened, persuaded, promised, induced or otherwise influenced me to enter my plea to these charges except as set forth in this plea agreement.
7. I am in full command of my normal faculties and I am not under the influence of any sedatives, drugs, narcotics, or intoxicating beverages which would render me incapable of knowingly, intelligently or voluntarily entering this plea today. I am not now suffering from any mental illness. I have a clear understanding of the proceedings today.
8. I agree that the State of Florida can prove a prima facie case.
9. I have had the advice of counsel of all of the above matters, including answers to questions asked of me by the Court, and I fully understand the same and their legal implications and further say that all statements made by me are true, accurate and correct. I understand that if any statements or answers to questions made by me are false that they may be used against me in a later prosecution for perjury.
10. I understand that at sentencing the State, County and various agencies may seek assessment of costs against me pursuant to various statutes and ordinances and that I will have the opportunity to object to the assessment of these costs if I am unable to pay.
11. I understand that if I am not a United States citizen that I may be deported by the United States Naturalization and Immigration Service as a result of my plea.
12. If I am adjudicated guilty of a drug-related offense, I understand that my driver's license is subject to suspension pursuant to § 322.055(1), Florida Statutes.
13. I understand that if I enter a plea to a sexual offense, I may be subject to the sentence provisions of the Jessica Lunsford Act (§ 948.30 and 948.063, Florida Statutes).
14. I understand that if I enter a plea to a sexual offense, I may be subject to civil commitment following the expiration of my sentence, pursuant to the terms of the Jimmy Ryce Act.
15. I have reviewed the nature of the evidence against me and I am not aware of any physical evidence containing DNA which could prove my innocence.

WITNESS my hand this the 28 day of July, 2016.

ATTEST:

Kimberly Jewell
Kimberly Jewell, Attorney for Defendant

0226660

Melissa Kennedy
Melissa Kennedy, Defendant

Age: 42

Education: GED

Robert S. Sombathy
Robert S. Sombathy, Assistant State Attorney

I find that this plea has been freely and voluntarily made and same was sworn to and subscribed before me this the _____ day of _____, 2016, and Approved and Accepted.

Michael C. Overstreet
Michael C. Overstreet, CIRCUIT Court Judge