

IN THE CIRCUIT COURT FOR SANTA ROSA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

Clerk Number(s): 5719CF001862A-B, 5721CF000645A-B

v.

SHAWN THOMAS STULLER,
Defendant.

SENTENCE RECOMMENDATION

1. THE FOLLOWING REFLECTS ALL TERMS OF THE SENTENCE RECOMMENDATION:

CLERK NUMBER	MAX.	FINE	MAND.
5719CF001862A			
1) BURGLARY OF UNOCCUPIED CONVEYANCE	5Y	\$5,000	
2) GRAND THEFT (\$300 OR MORE BUT LESS THAN \$5,000) (PRIOR TO 10/01/2019)	5Y	\$5,000	
3) POSSESSION OF CONTROLLED SUBSTANCE	5Y	\$5,000	
4) TRESPASS ON PROPERTY OTHER THAN STRUCTURE OR CONVEYANCE	1Y	\$1,000	

5721CF000645 1) Battery upon LEO
FACTUAL BASIS: The arrest report or offense report or probable cause affidavit which is a part of the court record filed with the clerk of the court is hereby incorporated by reference and agreed to by the defendant as a factual basis for this plea and/or the factual basis is as follows:

DEFENDANT PLEADS: _____ Guilty _____ X _____ Nolo Contendere _____ X _____ As Charged or to the following:

Additional Terms of Plea Entry and Sentence Recommendation Agreed Upon by the State and Defendant:

- 5719CF001862A
- 1) ADJUDICATION OF GUILT, 36 MONTHS STATE PRISON, \$878 COURT COSTS
- 2) ADJUDICATION OF GUILT, 36 MONTHS STATE PRISON, RESTITUTION TO VICTIM (AMT TBD W/IN 90 DAYS), CONCURRENT
- 3) ADJUDICATION OF GUILT, 36 MONTHS STATE PRISON, CONCURRENT, \$100 FDLE TESTING FEE, 6MO DL REVOCATION
- 4) ADJUDICATION OF GUILT, 11 MO 29 DAYS COUNTY JAIL

5721CF000645: 1) Adj. guilt, 36 mon state prison, \$348 cc, \$201 cc, \$149 cc, \$100 cc
\$150 PD fee; CONC WL 19-1882
The State of Florida and the Defense are unaware of any physical evidence for which DNA testing may exonerate the Defendant.

2. ADJUDICATION OF GUILT IS: _____ withheld _____ X _____ adjudicated _____ discretion of Court

3. THE PRESENTENCE REPORT IS: _____ ordered _____ waived _____ X _____ not required

4. Special Conditions of Probation or Community Control
In addition to all standard conditions of probation or community control, required by Section 948.03, Florida Statutes, the following special conditions are being imposed upon the defendant:

- The defendant shall pay costs of supervision in the amount of _____ per month.
- The defendant shall have no contact with codefendants, directly or indirectly.
- The defendant shall not have contact with the victim(s), directly or indirectly, unless the victim(s) files with the supervising officer a written declaration agreeing to contact for a set period or until revoked in writing.
- The defendant will complete _____ hours of community service no later than 60 days before termination of defendant's supervision.
- The defendant will attend and successfully complete the following counseling as indicated:
 ___ Anger control ___ Sexual Offender ___ Mental Health/Psychological ___ Parenting Skills
 ___ Domestic violence ___ Outpatient substance abuse ___ Residential substance abuse ___ Anti-Theft/Shoplifting
- The defendant agrees to testify truthfully regarding the involvement of any codefendants.
- Defendant shall make restitution to the victim(s) or to _____ as follows:
 to _____ in the amount of _____ at _____ per month.
 to _____ in the amount of _____ at _____ per month.

DONALD C. SPENCER
CLERK OF COURT &
COMPTROLLER
JUL 13 AM 11:06
SANTA ROSA COUNTY FL
FELONY FILED

Other special conditions of probation or community control:

5. CERTIFICATION OF DEFENDANT:

In addition to certifying to all terms, conditions, obligations, duties and rights stated in this Sentence Recommendation, I hereby certify that I have read the information or indictment or I understand the charge(s) set forth in the information or indictment or I understand any lesser included offense(s) to which I am entering my plea(s). I understand all terms, conditions, obligations, duties, and rights that are listed below and that the sentencing Court is incorporating by reference this complete Sentence Recommendation as part of the judgment imposed by the Court. Each term, condition, obligation, duty and right has been explained to me by my attorney, if I am represented by an attorney. I am able to read or if I cannot read everything in this Sentence Recommendation has been read to me and I understand it. If represented by an attorney, I am satisfied with the attorney's advice and services and my attorney has not compelled or induced me to enter into this Sentence Recommendation by any force, duress, threats or pressure. My attorney, the Court and the prosecutor have not made any promises nor have I relied on any representations as to the actual time I would serve if I were to be incarcerated under the terms of this Sentence Recommendation. I further understand that, unless otherwise designated in this Sentence Recommendation, I must complete all terms and conditions no later than sixty (60) days prior to the termination of any supervision imposed.

1. I hereby plead **(guilty) (nolo contendere)** to the charge(s) in the case(s) as reflected by this Sentence Recommendation.
2. **I UNDERSTAND THAT I AM WAIVING OR GIVING UP THE FOLLOWING RIGHTS:**
 - (a) The right to plead not guilty;
 - (b) The right to a jury trial;
 - (c) The right to be represented or helped at trial by a lawyer;
 - (d) The right to compel or make any witnesses come to a trial;
 - (e) The right to be present when witnesses testify against me;
 - (f) The right to cross-examine witnesses who testify against me;
 - (g) The right to remain silent and not to incriminate myself;
 - (h) The right to present any and all defenses I may have;
 - (i) Right to appeal all matters including the issue of guilt or innocence.
3. I understand that there will **not** be a further trial of any kind and I waive or give up my right to a trial.
4. I also understand that the Judge may ask me questions about the crime and that the answers I give will be under oath, subject to perjury.
5. I understand that if I am **not** a citizen of the United States of America, my plea to these charges may result in my **deportation or expulsion** from the United States, pursuant to the laws and regulations governing the **United States Immigration and Naturalization Service (INS)**.
6. I hereby waive or give up any right to request a modification of my sentence within the limits of this Sentence Recommendation absent a substantial change in circumstances occurring after sentencing.
7. I understand the maximum period of imprisonment and fines, as well as any mandatory minimum sentence that apply, with regard to the charges to which I am entering my plea as indicated in this Sentence Recommendation and any applicable attachments. I have reviewed the sentencing guidelines applicable to the case(s) to which I am entering a plea.
8. I have reviewed the facts of my case(s) with my attorney and I agree and stipulate there are sufficient facts available to the State to justify my plea of guilty or nolo contendere to the charge(s).
9. I have not had any drugs, alcohol, or medication of any kind in the past 24 hours except: _____
10. I have never been declared legally incompetent or insane. I hereby enter this Sentence Recommendation fully and voluntarily of my own accord and with full understanding of all matters set forth in the information or indictment and in this Sentence Recommendation.
11. If I am a **Juvenile Offender** I understand that I have certain rights regarding the sentence that may be imposed upon me. I understand that in some cases the Court may sentence a juvenile as an adult, or sentence the juvenile pursuant to the Youthful Offender Law, Chapter 958, Florida Statutes, or sentence the juvenile as a "juvenile" pursuant to Chapter 985, Florida Statutes. Enumerated or listed in Section 985.233, Florida Statutes, are certain criteria the Court should consider in making this sentencing decision if the juvenile qualifies for such treatment. As a juvenile I understand that by signing this Sentence Recommendation I may be sentenced to one of these alternatives. However, if this Sentence Recommendation requires that adult sanctions or youthful offender sanctions be imposed, I understand that I will be bound by the terms of that sentence and that I waive or give up any rights that I may have as a juvenile.

12. I understand that for a crime of **domestic violence** as defined by Section 741.28, Florida Statutes, that the Court must impose a minimum of 1 year of probation during which I must complete a "batterers' intervention program," unless the Court determines otherwise.
13. I understand that if I am convicted of possession of, sale of, trafficking in, or conspiracy to possess, sell or traffic in a **controlled substance**, or of theft of any motor vehicle or parts or components of a motor vehicle, the court will direct the Department of Highway Safety and Motor Vehicles to withhold issuance to me of a driver's license or revoke my driver's license as required pursuant to and/or until such conditions as are set forth in Florida Statutes, Sections 322.055, 322.056 or 322.274 are met. Any revocation will be in addition to any already imposed.
14. I understand if I plead guilty or nolo contendere to any crime that is included in the **SEXUAL PREDATOR** criteria and in Section 775.21, Florida Statutes, and if I qualify as a **SEXUAL PREDATOR** as defined in Section 775.21, Florida Statutes, the Court will enter a written order finding me to be a **SEXUAL PREDATOR**. If I am found to be a **SEXUAL PREDATOR** by the Court, I understand I will have to maintain registration as a **SEXUAL PREDATOR** with the Department of Corrections and appropriate law enforcement agencies will inform the community and public of my presence.
15. I understand that if I plea nolo contendere or guilty to a "sexually violent offense" or a "sexually motivated offense" as defined by Section 394.912, Florida Statutes; or if I have been previously convicted of such an offense and I am sentenced to prison or jail in this case, prior to or shortly after my release from prison or jail, I may be declared to be a "**SEXUALLY VIOLENT PREDATOR**" and be subject to a civil commitment for long term care and treatment in a state institution, pursuant to Chapter 394, Florida Statutes. This law is known as the "Jimmy Ryce Act."
16. I understand if I plead guilty or nolo contendere to any crime that would qualify me as a "**SEXUAL OFFENDER**" as described in Section 943.0435, Florida Statutes, I will be required to follow certain registration requirements concerning my residence.
17. I understand that if I plea nolo contendere or guilty to any offense or attempted offense as set forth in Section 943.325, Florida Statutes, I will be required to submit two (2) **specimens of blood or other approved biological specimens** to the Florida Department of Law Enforcement (FDLE) designated testing facility and that unless I lack the ability to pay as determined by the Court, that I must reimburse the appropriate agency for the costs incurred in the drawing and transmitting of the said specimens. My attorney has advised me as to whether or not this law applies to me.
18. I understand that if I am convicted or adjudicated delinquent or plea nolo contendere or guilty for a violation of Chapter 794 or Chapter 800, Florida Statutes, that I must make restitution for the initial forensic physical examination, in an amount equal to compensation paid to the medical provider for this cost. The restitution amount due is _____. (Section 960.28, Florida Statutes).
19. I understand that an order of restitution entered as a part of this Sentence Recommendation is as definitive and binding as any other order of restitution and that it may be enforced as a lien or judgment against me as provided in Section 775.089, Florida Statutes.
20. I understand that pursuant to F.S. 938.27, I will be required to pay State Attorney Costs of Prosecution fees of not less than \$100.00 per case for felony offenses, and not less than \$50.00 per case for misdemeanor offenses.
21. I understand that there are certain terms and conditions of probation or community control that I must comply with, and they are:
Standard Conditions
If probation or community control, or both, is part of Sentence Recommendation, the Defendant must comply with all the standard conditions of probation or community control, as required by **Section 948.03, Florida Statutes**, unless otherwise announced by the Court.
Standard Conditions for Listed Sex Crimes
If the defendant is placed on probation or community control, or both, for a violation of Chapter 794, Section 800.04, Section 827.071 or Section 847.0145, Florida Statutes, the Court **must** impose and the defendant must **comply** with additional standard conditions of supervision in addition to all other standard and special conditions imposed. These additional standard conditions are set forth in Section 948.30, Florida Statutes. These include, but are not limited to, such things as a special curfew; restrictions on where the defendant may live; restrictions on unsupervised contact with a child under the age of 18; restrictions on where the defendant may work or visit; a requirement to participate and complete a sex offender treatment program, a prohibition from contact with the victim(s); a prohibition of the defendant from possessing obscene or pornographic material; a requirement to make restitution to the victim(s) for all necessary professional mental and/or physical health care needs; a requirement of a submission of two blood specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank; a requirement to a submission to an annual polygraph examination; a requirement to maintain a driving log; a prohibition of maintaining a post office box; a requirement, at the defendant's expense, to obtain an HIV Test with the results to be released to the victim; and a requirement, at the defendant's expense, of electronic monitoring. These and other standard conditions are described in more detail in Chapter 948.30, Florida Statutes.
- 21(a) I understand that if the State is seeking an enhanced sentence against me as a habitual felony offender (HFO), habitual violent felony offender (HVFO), violent career criminal (VCC), prison releasee reoffender (PRR), ten-20-life (10-20-L), or three strikes (3 strikes) sanctions, pursuant to Chapter 775, Florida Statutes, that such a sentence could deny any form of early release from prison, could require a mandatory minimum sentence, or a requirement to serve 100% of the sentence imposed by the Court.

21(b) If the Judge should sentence me as such, I could receive the following sentence and/or mandatory minimum sentence:

HFO	_____	years imprisonment	
HVFO	_____	years imprisonment with _____	years mandatory minimum imprisonment
VCC	_____	years imprisonment with _____	years mandatory minimum imprisonment
PRR	_____	years imprisonment with _____	years mandatory minimum imprisonment
10-20-Life	_____	years imprisonment with _____	years mandatory minimum imprisonment
3 Strikes	_____	years imprisonment with _____	years mandatory minimum imprisonment

22. In the event that I have participated in discovery, my attorney has reviewed said discovery disclosed by the State and whether it included a listing or description of physical items of evidence.
23. I am unaware of any physical evidence disclosed by the State for which DNA testing may exonerate me
24. I understand that any sentence imposed by this Court shall run consecutive to any other sentence previously imposed by this or any other Judge UNLESS this Judge specifically states at the time of sentencing that it is to run concurrent with some other sentence.
25. I understand that as part of this negotiated plea, I am specifically excluded from the possibility of either early termination or conversion to Administrative Probation as provided in Section 948.04(4)(d) Florida Statutes. This does not prevent a defendant from requesting early termination of probation by filing an appropriate motion with Notice to the State. Early termination or conversion to Administrative Probation would be determined by the Court. This applies to any defendant who is placed on probation on or after October 1, 2019.

ACKNOWLEDGMENT OF DEFENDANT

By signing this **Sentence Recommendation**, I, the undersigned defendant in this case, agree that I have read and understand the contents of this document, and if represented by an attorney, that I have discussed with my attorney all of the ramifications or consequences of entering a plea of guilty or nolo contendere to these charges. If placed on probation, I understand all the standard and special conditions of probation that will be required of me, as is set forth in **Section 948.03, Florida Statutes** and in this Sentence Recommendation. If represented by an attorney, I am satisfied with the attorney's advice and services and my attorney has not compelled or induced me to enter into this Sentence Recommendation by any force, duress, threats, pressure or promises.

SHAWN THOMAS STULLER
DEFENDANT

DATE

The undersigned Assistant State Attorney is personally unaware of any physical evidence for which DNA testing may exonerate the Defendant.

JENNIFER TRIVETT ROGERS, ASSISTANT STATE ATTORNEY
FLORIDA BAR NUMBER: 0109296

DATE

CERTIFICATE OF DEFENDANT'S ATTORNEY

I, Defendant's Counsel of Record, certify that: I have discussed this case with Defendant, including the nature of the charge(s), essential elements of each, the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty for the charge(s) and the facts set forth in the State's information or on the record. I have not made any promises or representations to Defendant as to actual time he or she would serve if incarcerated and have explained that matters related to parole, release, gain time, etc. are controlled by the Department of Corrections and the Legislature and are subject to change. I believe he or she fully understands this Sentence Recommendation, the consequences of entering it, and that Defendant does so of his/her own free will. In my opinion the defendant is mentally competent. I have advised the defendant of the mandatory cost provisions of Chapter 938, Florida Statutes. If court appointed, I have advised the defendant of the provisions of Section 938.29, Florida Statutes, concerning assessment of costs and attorney's fees and the fact that any costs assessed therein shall be reduced by any amount assessed pursuant to Section.938.05, Florida Statutes.

In the event that the Defendant has participated in discovery, I have reviewed said discovery disclosed by the State and whether it included a listing or description of physical items of evidence. I have reviewed the nature of the evidence disclosed through discovery with the Defendant. I am unaware of any physical evidence disclosed by the State for which DNA testing may exonerate the Defendant.

ATTORNEY FOR DEFENDANT
FLORIDA BAR NUMBER: _____

DATE

COSTS AND FINES

MINIMUM COSTS

FELONY

_____	\$518	Felony
_____	\$1,018	Prostitution
_____	\$870	All Domestic Violence Cases; all aggravated and simple cases of Battery, Assaults, Stalking & Sex. Battery
_____	\$669	Crimes Against Minors
_____	\$1043	Drug Crimes within vicinities (includes \$500 fine + 5% surcharge): vicinities being a school, childcare facility, park, college or university, place of worship or public housing
_____	\$28,768 - \$525,518	Drug Trafficking (includes 5% surcharge)
_____	\$525,518	Criminal Drug Enterprise (includes 5% surcharge)

MISDEMEANOR:

_____	\$273	Misdemeanor
_____	\$303	Criminal Traffic - Chapter 320/322
_____	\$306	Criminal Traffic - Chapter 316
_____	\$625	All Domestic Violence Cases; all cases of Assault, Battery, or Stalking
_____	\$288	Alcohol/Drug Crimes
_____	\$424	Crimes Against Minors
_____	\$773	Prostitution
_____	\$374	Racing on Highway

DRIVING UNDER THE INFLUENCE OR BOATING UNDER THE INFLUENCE

_____	\$981 - 1506	First Conviction BAL Under .15
_____	\$1506 - 2556	First Conviction - BAL .15 or More
_____	\$1506 - 2556	Second Conviction BAL Under .15
_____	\$2556 - 4656	Second Conviction BAL .15 or More
_____	\$2556 - 5706	Third Conviction BAL Under .15
_____	\$4656 - 5706	Third Conviction BAL .15 or More
_____	\$2786 - 5936	Fourth or Subsequent Conviction

DISCRETIONARY FINES (subject to a 5% surcharge)

_____	Life Felony	Up to \$15,000	_____ x 5% = _____
_____	1st or 2nd Degree Felony	Up to \$10,000	_____ x 5% = _____
_____	3rd Degree Felony	Up to \$5,000	_____ x 5% = _____
_____	1st Degree Misdemeanor	Up to \$1,000	_____ x 5% = _____
_____	2nd Degree Misdemeanor	Up to \$500	_____ x 5% = _____

DISCRETIONARY COSTS

_____	County Alcohol & Drug Abuse Program - only for Drug Crimes or Trafficking ...Up to amount of fine	
_____	FDLE Crime Lab - only for Drug Crimes or Trafficking	\$100
_____	Law Enforcement Cost of Investigation	Actual costs
_____	\$5 Reckless Driving (MANDATORY)	
_____	\$5 Leaving the Scene (MANDATORY)	
_____	\$50 Indigent Public Defender Application Fee (MANDATORY)	
_____	Conflict Attorney/Public Defender Fees.....Actual costs or minimum \$100 for Felony/ \$50 for Misdemeanor	

Pursuant to Florida Statute 938.29 and Florida Rule of Criminal Procedure 3.720, the defendant understands the Conflict Attorney/Public Defender fees and costs are MANDATORY and waives notice of hearing and any objection to them.

_____	Additional SAO cost of prosecution	
_____	Reimbursement for Prisoner Transportation	\$ _____
_____	Other miscellaneous fines or costs	

TOTAL FINES & COSTS
