

**Plea Colloquy – Habitual Offender**  
*After standard required colloquy pursuant to Rule 3.172*

**To the Defendant:**

- Did you receive notice or did your attorney advise you of the State's intention to seek an enhanced penalty against you? (or counsel, are you stipulating that you received notice and advised your client of same?)
- Are you aware that the maximum penalty I could impose against you as a habitual offender is \_\_\_\_\_ years in State Penitentiary?
- Are you aware that being sentenced as a habitual offender may affect the possibility of early release through certain programs including the conditional release and early release programs? In addition, are you aware that you may not be entitled to gain time or any other time off of your sentence?

In fact, do you understand that no one can guarantee the exact amount of time you will serve other than to tell you that you will not serve in excess of the time to which you are being sentenced? Has anyone represented anything other than that to you?

- Are you waiving right any you may have to a PSI as part of entering into this plea?

**To the State:**

What cases are you relying on for habitualization?

**To the Defendant:**

Are you in fact the Defendant in those cases?

Do you have any proof that any of those convictions were set aside by post-conviction proceedings or a pardon from the governor?

Findings:

- The Court finds that the Defendant was noticed of the State's intention to seek an enhanced penalty and that notice was filed with the Clerk on: ( date ).
- The Court finds that the State has proved by a preponderance of the evidence that the Defendant has previously been convicted of two (2) felonies, one of ( date ) under Case # \_\_\_\_\_, wherein the Defendant was convicted and sentenced to \_\_\_\_\_ (days/years) for ( offense ) and the other on ( date ) under Case # \_\_\_\_\_, wherein the Defendant was convicted and sentenced to \_\_\_\_\_ (days/years) for ( offense ).
- The Court further finds that the felony for which the Defendant is being sentenced, and one of the two (2) prior felonies, are not violations of F.S. § 893.13 relating to the purchase or possession of a controlled substance.
- In addition, the Court finds that the Defendant has offered no proof that either of the prior convictions was set aside by any post-conviction proceedings or by a pardon from the governor.
- Based upon the foregoing, the court hereby sentences the Defendant as a Habitual Offender to \_\_\_\_\_ years in the state penitentiary.