

08/28/2013 9:45 AM

Case # 2012CF001792A

STATE OF FLORIDA vs ZIMMERMAN, SHELLIE N

OBTS # 5901122989

Agency: SOSC

CD: 5C Log: 934 Tape:

PLEA HEARING Opened At 08:53 AM on 08/28/2013 In Courtroom 5C, With the Following:

Circuit Judge: MARLENE M ALVA  
State Attorney: JOHN GUY  
Public Defender:  
Court Reporter: JENNIFER HIBBARD

Deputy Clerk: SARA MYNATT  
Defense Attorney: KELLY SIMS  
Deputy Sheriff/Bailiff: DON MARLOW

Charge(s):

Description	Citation	Bond	Bondsman
1 PERJURY IN OFFICIAL PROCEEDINGS		X60108219	MAGIC U S

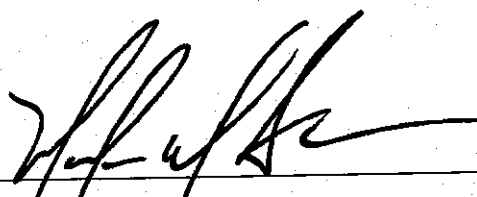
Defendant Was: Present for PLEA HEARING, Advised of Rights, Sworn  
State Attorney JOHN GUY Was Present  
Defense Attorney KELLY SIMS Was Present

For Charge: 1 PERJURY NOT IN OFFICIAL PROCEEDINGS

Defendant entered a plea of Guilty  
to the Lesser Included Charge of PERJURY NOT IN OFFICIAL PROCEEDINGS 837.012  
M-1

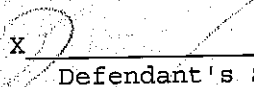
The Court found factual basis  
The Court accepted plea  
The Court waived PSI  
The Court proceeded to sentencing

A COPY OF THE LETTER OF APOLOGY TO JUDGE LESTER WAS FILED IN OPEN COURT.

Judge: 

RECEIPT OF DEFENDANT:

I hereby acknowledge receipt of the foregoing

X  Defendant's Signature  
Address (include City, State & Zip) Phone Number

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Court Administration, 301 North Park Avenue, Sanford, FL 32771, telephone number (407) 665-4227 at least, 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

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OBS # 5901122989

WITNESS THE CLERK AND SEAL ON 08/28/2013, and I hereby furnish the above named defendant a true copy hereof, and furnished other true copies to those indicated below:

- Probation
- Sheriff/Bondsman
- Defendant
- Defense Attorney
- Clerk's Finance

MARYANNE MORSE,  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_

  
Deputy Clerk

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

( ) VICTIM IS A MINOR CASE NO. 2012CF001792A  
( ) RESENTENCING - RETRIAL  
( ) PROBATION VIOLATOR OBTS# 5901122989  
( ) COMMUNITY CONTROL VIOLATOR  
( ) DRUG OFFENDER VIOLATOR COURT REPORTER JENNIFER HIBBARD

STATE OF FLORIDA  
VS.

MINUTES, JUDGMENT  
AND SENTENCE

SHELLIE N ZIMMERMAN  
DEFENDANT

COURT WAS OPENED WITH THE HONORABLE MARLENE M ALVA  
PRESIDING, AND IN ATTENDANCE: ASSISTANT STATE ATTORNEY JOHN GUY;  
COURT CLERK SARA MYNATT.

THE DEFENDANT, SHELLIE N ZIMMERMAN, BEING PERSONALLY BEFORE THIS COURT  
REPRESENTED BY KELLY SIMS, ATTORNEY OF RECORD AND HAVING:

(X) ENTERED A PLEA OF GUILTY AS TO COUNT 1

COUNT	CRIME/STATUTE NUMBER(S)	DEGREE OF CRIME
1	PERJURY NOT IN OFFICIAL PROCEEDINGS 837.012	M-1

(X) BOND X60108219 RELEASED  
( ) REVOKED PROBATION/COMMUNITY CONTROL  
(X) ADJUDICATION WITHHELD AS TO COUNT 1  
IT IS ORDERED THAT ADJUDICATION OF GUILT BE  
WITHHELD OF THE ABOVE CRIME(S)  
( ) AND PURSUANT TO SEC. 943.325, F.S. HAVING BEEN CONVICTED OF ATTEMPTS OR  
OFFENSES RELATING TO CHAPTERS 794 OR 800; SS 782.04, 784.05, 810.02,  
812.133 OR 812.135, F.S., THE DEFENDANT SHALL BE REQUIRED TO SUBMIT  
TWO BLOOD SPECIMENS.

DISTRIBUTION: WHITE-COURT FILE; GREEN-SHERIFF; YELLOW-STATE ATTORNEY;  
PINK-PROBATION & PAROLE; GOLDENROD-DEFENSE ATTORNEY  
\_\_\_ DEPT OF CORRECTIONS(2) \_\_\_ SENTENCING GUIDELINES COMMISSION



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STATE OF FLORIDA vs ZIMMERMAN, SHELLIE N

- (6) You will live without violating any law. A conviction in a court of law is not necessary for such a violation of law to constitute a violation of your probation, community control or any other form of court ordered supervision.
- (7) You will not associate with any person engaged in any criminal activity
- (8) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician, nor will you visit places where intoxicants, drugs, or other dangerous substances are unlawfully sold, dispensed, or used.
- (9) You will work diligently at a lawful occupation, advise your employer of your Probation or Community Control status, and support any other dependents to the best of your ability, as directed by your Probation or Community Control Officer.
- (10) You will promptly and truthfully answer all inquiries directed to you by the Court or any Probation or Community Control Officer, and allow your Officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.
- (11) You will report in person within/by 1PM TODAY to the Probation and Parole Office in Seminole County, Florida, unless otherwise instructed by your Probation or Community Control Officer.
- (12) You will submit to urinalysis, breathalyzer, or blood test at any time requested by your Probation or Community Control Officer, or the professional staff of any treatment center where you are receiving treatment, to determine the presence or use of alcohol or controlled substances. ( ) Pay the costs of said tests.
- (13) You will submit to the taking of a digitized photograph by the department. This photograph may be displayed on the department.s website while you are on supervision, unless exempt from disclosure due to requirements of s. 119.07 F.S.
- (14) If you are on probation for any offense specified in Section 943.325, Florida Statutes, or have been previously convicted in this state of any offense specified in Section 943.325, Florida Statutes, you are required to submit a DNA sample to the Florida Department of Law Enforcement. This sample shall be submitted in an approved manner as directed by Department of Corrections staff within thirty (30) days unless otherwise directed by the court.
- (15) You shall submit to the taking of a digitized photograph as required by s.948.03, Florida Statutes.

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OBTs # 5901122989

**ORDER OF COURT COSTS/FINES/JUDGMENT**

You will pay the following Court Costs/Fines to:

CLERK OF THE COURT  
P.O. Box 850, Sanford, FL 32772-0850  
www.seminoleclerk.org  
Street Address: 101 Bush Boulevard, Sanford, FL 32773

**For Charge: 1 PERJURY NOT IN OFFICIAL PROCEEDINGS**

As a special condition of probation/community control

- \$60.00 Additional court costs (FS 938.05(1))
- \$65.00 Additional court costs (FS 939.185(1)(a) & Seminole County Ord 2004-37) (Judgment)
- \$50.00 Crime Compensation TF (FS 938.03(1))
- \$3.00 CJT (FS 938.01) and \$2.00 CJE (FS 938.15)
- \$3.00 Teen Court Program (FS 938.19(2))
- \$10.00 Costs per Administrative Order 00-04S
- \$20.00 Crime Stoppers TF (FS 938.06(1))
- \$213.00 SUBTOTAL STANDARD COSTS**

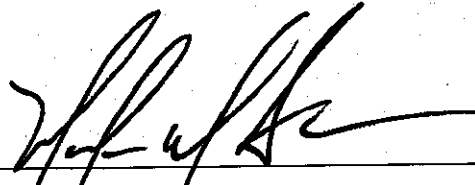
- \$50.00 Cost of Prosecution (FS 938.27)
- \$50.00 SUBTOTAL ADDITIONAL ASSESSMENTS**

**\$263.00 TOTAL COSTS IMPOSED For Charge: 1 PERJURY NOT IN OFFICIAL PROCEEDINGS**  
Total Costs (unless otherwise indicated above) Due by 1/25/2014.

**\$263.00 GRAND TOTAL COURT COSTS/FINES**

The Court further orders that Maryanne Morse, Clerk of the Circuit Court, 301 N. Park Avenue, Sanford, Florida 32771-1243, on behalf of the State of Florida, recover from the defendant, SHELLIE N ZIMMERMAN,, SANFORD, FL 32771, all the above costs, and previously unpaid costs, in the total sum of \$65.00, which shall bear interest at the rate of 4.75% per year, for which let execution issue.

Done and Ordered at Sanford, Seminole County, Florida, 08/28/2013

Judge: 

**For Charge: 1 PERJURY NOT IN OFFICIAL PROCEEDINGS**

It is further ordered that the Defendant shall comply with the following SPECIAL CONDITIONS OF PROBATION/COMMUNITY CONTROL that have been checked below:

- t. Letter of apology to JUDGE LESTER to be written within 30 days to be sent through the Department of Corrections.
- u. As directed by your Probation Officer/Community Service Officer, you will perform 100 community service hours for a tax supported or tax exempt entity, with the consent and under the supervision of such entity, at the rate of 10 hours per month. Any insurance cost

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT, IN AND FOR SEMINOLE COUNTY, FLORIDA

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assessed will be paid in advance per administrative order.

gg. Other: IF THE DEFENDANT'S CHURCH IS AN APPROVED SITE BY D.O.C., THEN THE COURT HAS NO OBJECTION TO THE SITE FOR COMMUNITY SERVICE HOURS. SUPERVISION MAY BE TRANSFERRED TO COUNTY OF RESIDENCE. THE COURT HAS NO OBJECTION TO TRAVELING OUTSIDE THE STATE OF FLORIDA, FOR VERIFIABLE WORK PURPOSES.

AUG 28 2013

FILED IN OFFICE  
MARYANNE MORSE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT OF  
FLORIDA, SEMINOLE COUNTY

STATE OF FLORIDA

vs.

CASE NO. 59-2012-CF-1792-A

Shelle Zimmerman  
Defendant.

**PLEA AGREEMENT**  
(Rule 3.171)

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

Case Number	Offense	Maximum Sentence	Minimum Mandatory Sentence
<u>59-2012-CF-1792-A</u>	<u>LIO of Perjury When Not In an Official Proceeding, FS 837.012, M1 = Max (S) of 1 Yr. County Jail, 1 Yr. Prob., \$1000.00 Fine</u>		

If my plea is guilty, I hereby acknowledge that I am in fact guilty of the foregoing offenses. When asked by the Judge, I will provide a factual basis to support my plea. If my plea is no contest, I believe such plea is in my best interest and recognize that the Judge will find me guilty after being provided a factual basis.

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

Case Number	Offense	Sentence
<u>59-2012-CF-1792-A</u>	<u>F.S. 837.012 LIO of Perjury When Not In an Official Proceeding, (S) = W/H, 1 Yr. Prob., Letter of Apology to J. Lester, 100 hrs. Comm. Svc, Court Costs.</u>	

I understand that if probation is a part of my sentence that the court may impose conditions of probation authorized by law, including restitution and public service 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 a part of my sentence unless those costs are waived by the court.

I have the right to plead not guilty and to be tried by a jury with the assistance of a lawyer, 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 to take the witness stand and testify on my own behalf. I also have the right not to take the witness stand and cannot be compelled to incriminate myself. I give up these 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 also give up my right to appellate review on any pretrial rulings made by the court unless such right is specifically reserved in this agreement.

I understand that I may be asked questions by the Judge under oath about this plea and that my answers, if untruthful, may be used against me later in a prosecution for perjury.

I enter this plea freely and voluntarily. No person has forced, threatened or coerced me into entering this plea.

I am satisfied with the representation my lawyer has given me and I have fully discussed my case, including any defenses I may have, and the contents of this agreement.

I have discussed the physical evidence that may be available in my case with my lawyer, including physical evidence that may tend to prove I did not commit the crime(s) charged, such as DNA evidence. I am satisfied there is no such evidence in my case or I hereby waive any claim of innocence that may be established by the physical evidence, including DNA testing.

I am relying upon no promises or assurances except as contained in this agreement.

I understand that if I enter a plea to a felony offense or a sex offense I must register as a convicted felon or as a sex offender as required by law. If I am pleading to a sex offense, I have been advised by my lawyer that my liberty may be restricted, including but not limited to, where I may live, where I may work and with whom I may have contact.

I understand that if I am pleading guilty or no contest to a sexually violent offense or a sexually motivated offense, or if I have previously been convicted of such an offense, I may be subject to involuntary civil commitment as a sexually violent predator upon completion of any prison sentence.

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 if the offense to which I am entering a plea is one for which automatic mandatory driver's license suspension or revocation is required by law to be imposed either by the court or by a separate agency, my plea will provide the basis for the suspension or revocation of my driver's license.

I do not suffer from any physical or mental disabilities to the degree that I am incapable of understanding this agreement, the nature of the proceeding against me, or assisting my lawyer in my behalf. I am not under the influence of alcohol or any drug at this time.

I hereby give up my right to a speedy trial.

If I am not in custody, I acknowledge that part of the plea agreement in this case includes my continued release pending sentencing on bond, pretrial release or release on recognizance. I understand that this portion of the plea agreement is conditioned upon the following requirements:

- (1) If a presentence investigation has been ordered, I must appear at the Department of Corrections office as directed by the court 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.

I realize that this agreement will be provisionally accepted upon entry of my plea and is subject to being accepted or rejected by the Judge at any time prior to the sentence being imposed, 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.

I acknowledge receipt of a copy of the notice for my sentencing date. I understand and agree that if I fail to comply with any of the conditions set forth above I will have breached my plea agreement. In that event, I will not be allowed to withdraw my plea and the Judge may sentence me to any sentence authorized by law for the offense(s) to which I have pled.

Assistant State Attorney

Defendant

Date of birth: 03/18/87 Age: 26

**CERTIFICATE OF ASSISTANT STATE ATTORNEY**

I hereby certify that I have disclosed items of physical evidence which may be favorable to the defendant, including any possible DNA evidence, by list or description or this information will be disclosed at the time of entry of the plea.

Assistant State Attorney

Fla. Bar No. 971758

**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, any possible defenses, the maximum and minimum penalties which may be imposed, the probable guideline range and the defendant's right to appeal.

I am not aware of any DNA testing that may exonerate the defendant.

Counsel for Defendant

Fla. Bar No. 02492760

SWORN TO, SIGNED AND FILED IN OPEN COURT, IN MY PRESENCE AND PROVISIONALLY ACCEPTED BY ME THIS 26<sup>th</sup> DAY OF August, 2013.

CIRCUIT JUDGE