

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
EN LA CORTE DEL CIRCUITO DEL DECIMOTERCER CIRCUITO JUDICIAL
HILLSBOROUGH COUNTY, FLORIDA
ESTADO DE FLORIDA, EN Y PARA EL CONDADO DE HILLSBOROUGH
CIRCUIT CRIMINAL DIVISION
DIVISIÓN CRIMINAL DE LA CORTE DEL CIRCUITO

STATE OF FLORIDA
ESTADO DE FLORIDA

CASE NO: 20-CF-8794
NO. DE CASO:

v.
Graham I. Clark _____ /

DIVISION: C
DIVISIÓN:

DEFENDANT'S DATE OF BIRTH _____

UNIFORM PLEA, ACKNOWLEDGMENT AND WAIVER OF RIGHTS FORM
FORMULARIO UNIFORME DE DECLARACIÓN, RECONOCIMIENTO Y RENUNCIA DE DERECHOS

CHARGE(S)
CARGO(S)

MANDATORY MINIMUM
PENA MÍNIMA OBLIGATORIA

MAXIMUM PENALTY
PENA MÁXIMA

See Attached Sheet

For sections 1 and 2, check either "a" or "b." Para la sección 1 y 2, marque "a" o "b."

1(a) I am pleading guilty, and acknowledge (my guilt)(I feel it is in my best interest to do so).
Me declaro culpable y reconozco (mi culpabilidad) (pienso que es lo que más me conviene hacer).

OR / O

1(b) I am pleading nolo contendere, and acknowledge I feel it is in my best interest to do so.
Me declaro no me opongo, y reconozco que es lo que más me conviene hacer.

2(a) I am pleading open to the Court and understand there is no agreement as to what sentence I will receive, and the Court can sentence me within its discretion.
Me declaro abiertamente ante el juez y entiendo que no existe ningún acuerdo relacionado con la sentencia que voy a recibir y que el juez puede sentenciarme a su discreción.

OR / O

2(b) I am pleading pursuant to a plea agreement and the terms of that agreement are as follows:
Me declaro conforme a un acuerdo de declaración y los términos son los siguientes:

FSP See attached _____ Psychological evaluation and treatment if necessary n/a
Prisión Estatal de Florida Evaluación psicológica y tratamiento (de ser necesario)

County Jail n/a _____ Probation See attached _____ Specified Residency n/a
Cárcel del Condado Probatoria Residencia Especificada

Community Control n/a _____
Reclusión Domiciliaria

Community Control II n/a
Reclusión domiciliaria II

Restitution to: n/a in the amount of: _____ to be paid monthly @ _____
Restitución a: _____ por la cantidad de: _____ para pagarse mensualmente a _____

Drug/Alcohol Evaluation (within 30 days) and treatment if necessary (counseling/urine screens) n/a
Evaluación de Alcohol/ Drogas (dentro de 30 días) y tratamiento de ser necesario (con un consejero/ exámenes de orina)

Community Service n/a
Servicio Comunitario
at _____ hours per month
a _____ horas por mes

Driver's License Revocation n/a
Revocación de Licencia de Conducir
GED _____
GED _____

Other Mr. Clark has already transferred all Bitcoin acquired from the charged offenses to law enforcement
Otros _____


3. I understand if probation or community control is part of the plea agreement the Court may impose any special conditions it believes it should, but such special conditions will be orally pronounced by the Court at the time of sentencing. I understand the Court may require me to pay up to \$1 per month to "First Step of Hillsborough, Inc." as a special condition of probation or community control pursuant to section 948.039, Florida Statutes.
Entiendo que si la probatoria o la reclusión domiciliaria forman parte del acuerdo declaratorio, la corte podría imponer cualesquiera condiciones especiales que crea deba imponer, pero dichas condiciones especiales se pronunciarán oralmente por el juez en el momento de la sentencia. Entiendo que la corte me requerirá pagar hasta \$ 1 por mes para "First Step of Hillsborough, Inc." como una condición especial de probatoria o reclusión domiciliaria de acuerdo a la sección 948.039, Estatutos de la Florida.
4. I understand I have a right to plead not guilty and the right to be tried by a jury to determine whether I am guilty or not guilty. I understand I have the right to be represented by an attorney at the trial and if I cannot afford one, the Court will appoint an attorney to represent me. I understand I have the right to compel the attendance of witnesses on my behalf, the right to confront and cross examine all witnesses testifying against me, and the right not to testify or be compelled to incriminate myself. I understand if I plead guilty or nolo contendere, there will be no trial and I waive all the rights that go along with a trial.
Entiendo que tengo el derecho de declararme no culpable y el derecho de ser juzgado por un jurado que decidiría si soy culpable o no. Entiendo que tengo el derecho de ser representado por un abogado para el juicio y que si no tengo los medios para contratar a uno, la corte nombrará un abogado para que me represente. Entiendo que tengo el derecho de obligar la comparecencia de testigos para que declaren a mi favor, el derecho de repreguntar a todos los testigos de cargo y el derecho de no testificar o de ser obligado a incriminarme. Entiendo que si me declaro culpable o no me opongo, no habrá juicio y renuncio a todos los derechos propios de un juicio.
5. I understand if I plead guilty or nolo contendere without reserving the right to appeal, I am waiving my rights to appeal all matters relating to the judgment including the issue of my guilt or innocence, but not impairing my right to review by appropriate collateral attack. I understand if I wish to take an appeal and cannot afford an attorney to help me in my appeal, the Court will appoint an attorney to represent me for that purpose.
Entiendo que si me declaro culpable o no me opongo sin reservarme el derecho a apelar, estoy renunciando a mis derechos de apelación sobre todos los elementos relacionados con la sentencia incluyendo el asunto de mi culpabilidad o inocencia, pero sin perjudicar mi derecho a reexaminar por medio de una refutación indirecta apropiada. Entiendo que si deseo apelar y no puedo contratar un abogado para ayudarme con mi apelación, la Corte asignará un abogado para representarme para ese propósito.
6. I understand there are facts the State could use to prove the charge(s) against me.
Entiendo que existen hechos que el Estado podría usar para probar el o los cargos en mi contra.
7. I understand if I plead guilty or nolo contendere the judge may ask me questions about the charge(s) to which I have just pled and if I am untruthful, my answer(s) may later be used against me in a prosecution for perjury.
Entiendo que si me declaro culpable o no me opongo, el juez podría hacerme preguntas respecto al cargo al cual me acabo de declarar y que si falto a la verdad, mis respuestas podrían ser usadas en mi contra en un proceso por perjurio.
8. I understand that if I am not a citizen of the United States and I plead guilty or nolo contendere and the Court accepts my plea, regardless of whether adjudication of guilt is withheld, my plea and the Court's acceptance of my plea may have the additional consequence of changing my immigration status, including DEPORTATION or REMOVAL from the United States. I understand that I should consult with my attorney if I need additional information concerning potential immigration consequences of my plea. I understand that if I have not discussed the potential immigration

consequences with my attorney, the Court will, upon my request, allow a reasonable amount of time for me to consider the appropriateness of my plea in light of the advisement in this section.

Entiendo que si no soy un ciudadano de los Estados Unidos y me he declarado culpable o no me opongo y la corte acepta mi declaración, ya sea que se haya retenido o no la adjudicación de culpabilidad, mi declaración y la aceptación por la corte puede tener la consecuencia adicional de cambiar mi situación de inmigración, incluyendo DEPORTACIÓN o remoción de los Estados Unidos, exclusión de la readmisión a los Estados Unidos, detención, negación de la naturalización, o inelegibilidad para la ciudadanía de acuerdo con las leyes de los Estados Unidos. Entiendo que debo consultar con mi abogado si necesito información adicional concerniente a las posibles consecuencias sobre inmigración de mi declaración. Entiendo que si no he discutido con mi abogado sobre las posibles consecuencias sobre inmigración, la corte concederá, a mi pedido, un período de tiempo razonable para considerar apropiadamente mi declaración teniendo en cuenta la información contenida en esta sección.

9. I understand this plea could result in my driver's license being suspended or revoked if the charge(s) to which I am pleading is one where automatic, mandatory suspension or revocation is required by law.
Entiendo que esta declaración podría resultar en la suspensión o revocación de mi licencia de conducir si el cargo al cual me estoy declarando es un delito donde se requiere la suspensión o revocación automática obligatoria por la ley.
10. I understand if I plead guilty or nolo contendere to 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 any prison sentence or jail sentence on this or any other case.
Entiendo que si me declaro culpable o no me opongo a un delito sexual con violencia, o a un delito motivado sexualmente, o si previamente he sido condenado por dicho delito, esta declaración me sujetaría a un confinamiento involuntario civil como un depredador sexual violento una vez que haya concluido cualquier sentencia de prisión o cárcel en este o cualquier otro caso.
11. I understand if I plead guilty or nolo contendere to a qualifying sexual offense, or if I have been previously convicted of such an offense or if I have been designated a sexual predator, I will be subject to mandatory electronic monitoring pursuant to section 948.30(3), Florida Statutes.
Entiendo que si me declaro culpable o no me opongo a un delito de categoría sexual, o si he sido condenado previamente por dicho delito, o se me ha catalogado como depredador sexual, estaré sujeto a un control electrónico obligatorio conforme a la sección 948.30 (3), de los Estatutos de la Florida.
12. I understand my pleading guilty or nolo contendere will result in the Court imposing MANDATORY statutory costs. I also understand my plea may result in the Court imposing certain other costs and attorney's fees and I do not object to the imposition or amount of such costs and fees and I waive my right to a hearing on the imposition and amount of such costs and fees. I have had an opportunity to review with my attorney the mandatory costs (including fines and surcharges) that MUST be assessed against me and discretionary costs (including fines and surcharges) that MAY be assessed against me. I understand if I fail to pay the imposed costs and fees my driver's license may be suspended.
Entiendo que si me declaro culpable o no me opongo traerá como resultado que el juez imponga las costas OBLIGATORIAS de ley. Asimismo, entiendo que mi declaración podría hacer que el juez imponga ciertos costos y honorarios del abogado. No me opongo a la imposición o la cantidad de costos y honorarios y renuncio a mi derecho a una audiencia respecto a la imposición y la cantidad de costos y honorarios. He tenido la oportunidad de revisar con mi abogado la lista adjunta de costas obligatorias (multas y recargos) que me TIENEN que ser impuestos y las costa opcionales (incluyendo multas y recargos) que me puedan imponer. Entiendo que si no pago los costos y honorarios impuestos, mi licencia de conducir podría ser suspendida.
13. I understand a conviction for an offense to which I am pleading guilty or nolo contendere may serve to enhance the sentence for any offense for which I may be convicted of in the future.
Entiendo que una condena por un delito al cual me estoy declarando culpable o no me opongo podría servir para aumentar la sentencia por cualquier delito por el cual se me podría condenar en el futuro.
14. I am not under the influence of drugs, an alcoholic beverage or medication, but I am taking this medication:
N/A
No me encuentro bajo los efectos de drogas ni bebidas alcohólicas, aunque estoy tomando este medicamento:
15. I do not have any mental illness that would keep me from understanding this plea and its consequences.
No padezco de ninguna enfermedad mental que podría impedirme entender esta declaración y sus consecuencias.
16. I certify that no one has threatened or coerced me in any way in order to get me to enter this plea, and I am pleading freely and voluntarily. Other than the terms of the plea negotiation as set forth above (if applicable), no one has promised me anything upon which I have relied in order to influence me to enter this plea.
Certifico que nadie me ha amenazado ni coaccionado de ninguna manera para que yo asiente esta declaración y me declaro libre y voluntariamente. Aparte del acuerdo declaratorio, como se estipula en el párrafo antes mencionado (si es aplicable), nadie me ha prometido nada en lo cual yo me he basado con el motivo de influenciarme para que yo asiente esta declaración.

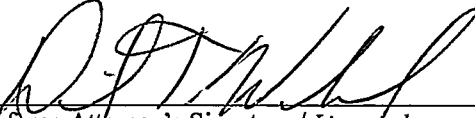
17. I certify that I have discussed the charges with my attorney including the maximum possible and mandatory minimum (if any) penalties and possible defenses and am fully satisfied with the representation of my attorney. I understand by entering this plea there is no guarantee what gain time, if any, the Department of Corrections or any county jail may award me.
Certifico que he revisado los cargos con mi abogado, incluso las penas máximas posibles y mínimas obligatorias (si las hubiera) y defensas posibles y estoy completamente satisfecho con la representación de mi abogado. Entiendo que al asentar esta declaración no hay garantía del tiempo ganado, de haberlo, que el Departamento de Corrección o cualquier cárcel del condado podrán conceder me.
18. I have reviewed my criminal punishment code scoresheet and it is correct.
He revisado mi hoja de puntuación y está correcta.
19. I have reviewed the standard terms of supervision and I understand I must follow them as well as any special conditions the Court thinks are appropriate.
He revisado las condiciones generales de supervisión y entiendo que debo cumplirlas, así como cualesquiera otras condiciones que la corte considere apropiadas.
20. I understand no one, including my attorney, can accurately predict the actual time I will serve on a sentence and I may be required to serve the entire sentence.
Entiendo que nadie, incluyendo mi abogado, puede predecir con certeza el tiempo real que cumpliré por una sentencia y que podría requerirse que cumpla la sentencia completa.
21. I certify that there are not any other witnesses I want my attorney to investigate or call, nor is there any other type of discovery or investigation I want my attorney to do, or any other motions I want my attorney to file and set for hearing prior to entering this plea.
Certifico que no hay otros testigos que quiero que mi abogado investigue o llame, ni tampoco existe otro tipo de prueba o investigación que quiero que mi abogado haga, o algunas otra peticiones que quiero que mi abogado presente y fije para una audiencia antes de asentar esta declaración.
22. I certify that no one, including my attorney, has made any promises concerning the jail credit or prison credit I am to receive other than the fact that I am going to receive credit for every day I actually spent incarcerated on this case, which is 229 days. *(as of 3/16/21)*
Certifico que nadie, incluyendo mi abogado (a) me ha hecho ninguna promesa respecto al tiempo que será acreditado de la cárcel o prisión además del hecho que voy a recibir crédito por cada día que realmente pasé encarcelado en este caso, cual son _____ días.


 Defendant / Acusado
 for Graham Clark

3/12/21
 Date / Fecha

STATEMENT OF ATTORNEY
DECLARACIÓN DEL LICENCIADO

I have reviewed this plea form and the mandatory costs with my client, the Defendant in this case, and it is my belief the Defendant fully understands its contents.
Yo he revisado este convenio declaratorio y los costos obligatorios con mi cliente, el Acusado en este caso, y en mi opinión el Acusado entiende completamente el contenido del convenio.


 Defense Attorney's Signature / Licenciado

3/12/21
 Date / Fecha

David T. Weisbrod
 Defense Attorney's Name - Printed / Licenciado

State v. Graham I. Clark 20-CF- 8794

Terms of Plea:

Charges Graham I. Clark is pleading guilty to:

Count 1: Organized Fraud

§817.034(4)(a)1

Maximum: 30 years

Counts 2-18: Communications Fraud (>\$300)

§817.034(b)(1)

Maximum: 5 years

Count 19: Fraudulent Use of Personal Information

§817.568(2)(c) (>\$100,000/30 victims)

Maximum: 30 years Mandatory Minimum 10 years

Counts 20-29: Fraudulent Use of Personal Information

§817.568(2)(a)

Maximum: 5 years

Count 30: Access Computer without authority (>\$5000)

§815.06(2)(a) and (3)(b)1

Maximum: 15 years

Mr. Clark shall be sentenced pursuant to FL. Stat. §§958.04 and 958.045 as a youthful offender, as follows:

Counts 1- 18 to a term of incarceration as a youthful offender of three (3) years as to each count to run concurrently with each other and, if he qualifies, to the basic training (boot camp) provision of the youthful offender law. Mr. Clark's incarceration shall run consecutive to the term of probation imposed as to Counts 19-30. Mr. Clark shall receive credit for jail time since his arrest on July 31, 2020 toward the incarceration portion of the sentence imposed.

Counts 19-30 to a term of three (3) years probation on each count to run concurrent with each other, but consecutive to the term of incarceration on Counts 1-18.

Mr. Clark understands that if he should be found to have substantively violated his probation, he will be subject to the mandatory minimum term of incarceration.

Mr. Clark shall further be subject to the following special conditions of probation:

Mr. Clark agrees to have no direct or indirect access to electronic devices without permission of those supervising Mr. Clark's probation and with proper notice to the Florida Department of Law Enforcement, where Mr. Clark will specifically identify all electronic devices and their passwords or other means to access the use of these electronic devices.

Mr. Clark agrees to provide unlimited access to each and all electronic devices to those supervising Mr. Clark's probation and also provide unlimited access of his electronic devices to the Florida Department of Law Enforcement.

Mr. Clark agrees, while under probation or other supervision, to unannounced and unlimited searches of his person, residence, workplace, vehicles or possessions by those supervising Mr. Clark's probation or by the law enforcement officers, including the Florida Department of Law Enforcement.

Mr. Clark agrees to provide to those supervising Mr. Clark's probation and also the Florida Department of Law Enforcement a list of any and all electronic mail addresses, Interactive computer services, Internet domain names, commercial social networking websites, online or remote storage and computing devices, Internet identifiers and each Internet identifier's corresponding website homepage or application software name; home telephone numbers and cellular telephone numbers in his care custody or control. Any change that occurs after providing the initial list to

those supervising Mr. Clark's probation and also the Florida Department of Law Enforcement within 48 hours whether is it permanent or temporary.

"Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered. This is including but not limited to chat, direct messaging, private messaging, voice and/or video communication applications.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically, but not limited to, a service or system that provides access to the Internet and the systems operated or services offered by libraries or educational institutions.

"Internet domain name" means a globally unique, hierarchical reference to an Internet host or service, which is assigned through centralized Internet naming authorities and which is comprised of a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

"Internet identifier" means any designation, moniker, screen name, username, or other name used for self-identification to send or receive social Internet communication.

"Commercial social networking website" means a commercially operated Internet website that allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messenger.

"Online or remote storage and computing devices" means storage of electronic data and computing services that does not reside at Mr. Clark's physical location or is on devices owned in part or whole by another person, company or entity. Where as Mr. Clark is able to access such data from any device connected to the internet.

Mr. Clark agrees to provide to those supervising Mr. Clark's probation and also the Florida Department of Law Enforcement any "Technological access barrier" means a password, security code, token, key fob, access device, or similar measure to any and all electronic mail addresses, Interactive computer services, and Internet domain names, commercial social networking websites, online or remote storage and computing devices, Internet identifiers, upon their request.

Mr. Clark agrees to utilize is true identity in the use of any and all electronic mail addresses, Interactive computer services, Internet domain names, commercial social networking websites, online or remote storage and computing devices, and Internet identifiers. Mr. Clark will not utilize any Virtual Private Network, Proxy, or any other technology that conceals his identity, Internet Protocol Address or location where he is accessing any and all electronic mail addresses, Interactive computer services, Internet domain names, commercial social networking websites, online or remote storage and computing devices, and Internet identifiers.

Mr. Clark agrees to provide to those supervising Mr. Clark's probation and also the Florida Department of Law Enforcement providence of financial assets, virtual currency and/or real currency in his possession, care custody or control upon request. "Virtual currency" referring to a medium of exchange that can operate like currency but does not have all the attributes of "real" currency, as defined in 31 CFR § 1010.100(m), including legal tender status.