

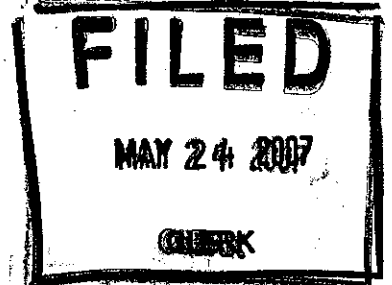
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
FOR MIAMI-DADE COUNTY, FLORIDA

Case No. F06-36738 A
Judge Adrien

STATE OF FLORIDA

v.

Rafael Arza, Defendant



PLEA AGREEMENT

This plea agreement is entered into between defendant, Rafael Arza, who is represented by Jeffrey Weiner, Esq., and Katherine Fernandez Rundle, State Attorney for Miami-Dade County, Florida, by and through the undersigned Assistant State Attorney, subject to the approval of the Court.

1. The defendant, Rafael Arza, shall plead guilty to the misdemeanor charges of tampering with a witness, as charged in counts 3 and 4 of the Amended Information. The State will Nolle Prose felony counts 1 and 2 as to this defendant. The defendant's guilty plea is irrevocable.

2. The Court shall accept defendant's guilty plea, find the defendant guilty and sentence the defendant according to this agreement and withhold adjudication.

3. Defendant, Rafael Arza, will be sentenced to a term of one (1) year probation as to count 3 and a consecutive term of six (6) months probation as to count 4, for a total of eighteen (18) months probation, with the following special conditions:

A. The defendant shall perform 150 hours of community service as a condition of probation.

B. The defendant shall, during the pendency of his probation pay a total of \$1,500.00 (fifteen hundred dollars) in investigative costs as follows: \$500 to the 11th Judicial Circuit State Attorney, \$500 to The Florida Department of Law Enforcement and \$500 to the City Of Miami Police Department.

C. As a special condition of his probation the defendant shall enter and successfully complete a State sanctioned anger management class during the probationary period.

STATE OF FLORIDA, COUNTY OF DADE
Harvey Ruvie, Clerk of Circuit and County Courts
MAY 24 2007
Deputy Clerk *[Signature]*



D. As a special condition of his probation the defendant shall be evaluated by a State sanctioned alcohol abuse counselor and shall enter and successfully complete a program for alcohol abuse if recommended by the program counselor.

E. As a special condition of his probation and during the complete term of his probation the defendant agrees he shall not seek or accept any elected public office or any other position which includes the exercise of any form of public authority.

4. The defendant may move to have his probation converted to administrative probation after he has completed conditions ~~A~~, B, C and D, above and the State will not object. Condition E will, however, remain in effect for the entirety of the 18 month period, including any administrative probation period. The defendant may not file for early termination of his probation.

5. It is further agreed between the parties that if the defendant violates his probation by committing a crime or fails to abide by any of the conditions of this agreement, the Court shall sentence the defendant to a period of 120 days in the Miami-Dade County Jail.

6. After sentencing, the defendant shall not file any motion to mitigate. The defendant will further not file any motion to correct his sentence or any motion for post conviction relief pursuant to Florida Rules of Criminal Procedure.

7. The defendant acknowledges that he is entering into this agreement and is pleading guilty freely and voluntarily without promise of any benefits other than those contained herein, and without threats, force, intimidation, or coercion of any kind.

8. The defendant further acknowledges his understanding of the nature of the offense to which he is pleading guilty and the penalties provided by law. The defendant understands that he was charged with felony counts, each of which had a maximum sentence of five (5) years imprisonment and that the misdemeanor counts to which he is pleading carry a maximum sentence of one (1) year each. The defendant also understands that he has the right to plead not guilty; the right to be tried by a jury with the assistance of counsel; the right to discovery as provided by Fla. R. Crim. P. 3.220 (including the taking of depositions); the right to confront and cross-examine the witnesses against him; the right to compel attendance of witnesses to testify on his behalf; and the right not to be compelled to incriminate himself. The defendant acknowledges that by pleading guilty, he waives those rights stated and that there will be no trial.

9. The defendant agrees and understands that if he is not a citizen of the United States that this plea agreement may subject him to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service (Department of Homeland Security).

10. The defendant has reviewed the discovery disclosed by the State, including a listing or description of items of physical evidence, and has reviewed the nature of the evidence with counsel, and neither the defendant nor his counsel are personally aware of any physical evidence for which DNA testing may exonerated the defendant.

11. All agreements between the State and the defendant are contained within this contract. There are no other agreements between the State and defendant with regard to this case.

OK ✓
(K) 12. The defendant shall be permitted to travel within and outside the state of Florida, without restriction.

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

By:

Michael Von Zamft
Michael Von Zamft
Assistant State Attorney
Florida Bar Number 165827

Dated May *24*, 2007

I, Rafael Arza, acknowledge that I am entering into this agreement freely and voluntarily after consultation with my attorney, and I am satisfied as to his representation, and that there is nothing additional that I have asked my attorney to do that he has not complied with and that this plea is in my best interest.

Rafael Arza
Rafael Arza
Defendant

Jeffrey Weiner
Jeffrey Weiner
Florida Bar Number *019214*
Attorney for Defendant