

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

Case No. F07-42264D ✓

STATE OF FLORIDA v.

Judge Murphy

VENJAH HUNTE , Defendant.

PLEA AGREEMENT

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and hereby enters into this contract for a plea agreement with the defendant, Venjah Hunte, and his attorney, Michael Homung, Esquire. The specific terms of this agreement are dependent upon their acceptance by the Court. If these terms are not found to be acceptable by the Court, the entire agreement shall be considered to be void ab initio and all parties will be returned to their pre-agreement status. This agreement shall become enforceable against the respective parties after its ratification and acceptance by the Court, and then only after the plea colloquy is taken and the Court is satisfied that the plea is being voluntarily entered into by Venjah Hunte after consultation with his attorney, and that there is a factual basis for the acceptance of the plea in compliance with the guidelines of Fla.R.Crim.P. 3.172.

The defendant is presently charged by Indictment in case number F07-42264 with First Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery.

The terms of the agreement are as follows:

1. The defendant shall plead guilty and be adjudicated guilty of Second Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery. ✓
2. In consideration of the following agreement and assuming the defendant has complied with all of the terms and conditions of this agreement, at the conclusion of case number F-07-42264, the State of Florida will recommend to the Court that the

defendant be sentenced to twenty nine years in State Prison for Second Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery, and that both sentences run concurrently.

3. If the defendant violates the terms of this agreement, any testimony, statements, or other information that the defendant has provided to attorneys, law enforcement officers, any Grand Jury or the Court, including any information derived directly, or indirectly, can and will be used against him. No testimony, statements or other information provided by the defendant shall be deemed to be precluded from use against him in the event of his breach of this agreement. Therefore, all of his statements would be admissible in any subsequent hearing of any kind.

4. Notwithstanding this agreement, the defendant can be prosecuted under state and federal perjury and false statement statutes for any materially false statement made by him under oath.

5. The defendant must supply complete and truthful testimony and information to attorneys, law enforcement officers, the Grand Jury and the Court. The defendant must answer all questions and must not withhold any information concerning investigations. The defendant must neither attempt to protect any person or entity through false information or omission, nor falsely implicate any person or entity. The defendant must testify truthfully and completely before any Grand Jury, and at any subsequent hearing, proceeding or trial when called upon to do so by the State of Florida. The defendant must also make himself available for interviews by attorneys and law enforcement officers upon request and reasonable notice. The defendant must cooperate and assist in the recovery of any possible physical evidence of these crimes.

6. The State of Florida is relying upon the defendant's prior recorded statement given on May 6, 2008, as being truthful for the purpose of this agreement. The defendant further states that the aforementioned statement is, in fact, the truth.

7. The defendant agrees to provide cooperation and truthful testimony in the investigation concerning the homicide of Sean Taylor and the burglary of the residence of Sean Taylor, and the prosecution of all parties who in any way participated in those crimes.

8. The testimony offered by Venjah Hunte shall be unconditional, i.e., without any claim of the Fifth Amendment Right. Therefore, the testimony shall be voluntarily given at any future hearings, trials, depositions or investigations of any sort in which arises from the homicide of Sean Taylor and the burglary of the residence of Sean Taylor.

9. The Defendant shall, at the option of the State, be given a polygraph examination to verify the truthfulness and completeness of any statement referred to in this Agreement. The State shall choose the polygrapher. The Defendant further stipulates to the competency of the polygraph examiner, the results of the examination, and that the polygraph technique is reliable. The Defendant waives any right to contest such result, competency and/or reliability. The Defendant stipulates that an affidavit attesting to the results of the polygraph that is signed by the polygrapher shall be admissible proof of the results of the polygraph examination. If the results of the polygraph examination or conversations with the polygraph examiner indicate that the Defendant was not truthful during any statement, or during the Defendant's deposition, hearing or trial testimony, the defendant will have breached the plea agreement.

10. If the State of Florida determines that the defendant has withheld material information, or has not been truthful in his testimony, or if the defendant fails in any way to comply with any portion of this agreement, the sentencing portion of this agreement as outlined in paragraph (2) shall be voidable at the demand of the State of Florida, subject to judicial review, but the defendant's plea of guilty to Second Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery shall remain in effect. Second Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery are each punishable by life in prison. In the event the defendant were to fail to comply with the plea agreement, then he shall be sentenced to life in prison on Second Degree Murder and Armed Burglary of an Occupied Dwelling with an Assault or Battery. The two life sentences would run consecutively. Additionally, if the defendant fails to comply with this agreement, all information, statements and testimony offered by Venjah Hunte, including any information derived directly, or indirectly from Venjah Hunte, shall be admissible in any subsequent hearing of any kind. Lastly, in the event the defendant violates the agreement, he expressly waives any claim of double jeopardy or statute of

limitations, and/or any claim that a change of sentence may have to occur within 60 days pursuant to Rule 3.800, or any other rule or case law, including any federal rule or case law.

11. Sentencing in this matter shall occur at the conclusion of all prosecutions under case number F07-42264.

12. It is understood that if the defendant complies with the terms of the plea agreement, he will be sentenced to twenty-nine years in prison for Second Degree Murder and twenty-nine years in prison for Armed Burglary of an Occupied Dwelling with an Assault or Battery. Both sentences shall run concurrently. It is understood that there will be no future reduction of any kind to the Defendant's sentences pursuant to this agreement other than a reduction granted in the discretion of the Department of Corrections pursuant to their guidelines.

13. The Defendant understands that he has the right to be tried by a jury and at trial have the right to be tried by a jury and at that trial has the right to the assistance of counsel, the right to compel attendance of witnesses of his behalf, the right to confront and cross-examine witnesses against him, and the right not to be compelled to incriminate himself. The Defendant understands that by pleading guilty, there will not be a trial of any kind and that he waives his right to a trial.

14. The Defendant understands that he is giving up their right to appeal all matters relating to the judgment, including the issue of guilt or innocence.

15. The Defendant understands that the trial judge may ask him questions about the offenses to which he has pled, and if he answers these questions under oath, on the record, and in the presence of counsel, the answers, if untruthful, may later be used against him in a prosecution for perjury.

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

17. The Defendant has reviewed the discovery disclosed by the State, including a listing or description of items of physical evidence, and have reviewed the nature of the evidence with counsel, and neither the Defendant or counsel is personally

aware of any physical evidence for which DNA testing may exonerate the Defendant.

18. This is the entire agreement between the parties. There are no other agreements.

WHEREFORE, the Office of the State Attorney and Venjah Hunte do hereby move this Honorable Court to accept and ratify this Plea Agreement, after taking the appropriate plea colloquy and meeting all other requirements for the acceptance of a plea pursuant to the letter and intent of Fla.R.Crim.P. 3.172.

This agreement being entered into in open court on this ____ day of May 2008, in Miami, Miami-Dade County, Florida.

So agreed,

Venjah Hunte, Defendant

I have consulted with my attorney and family and freely and voluntarily agree to abide by the terms of this Plea Agreement. I understand all of the terms of the agreement and its consequences.

Michael Hornung, Esq.,
Attorney for the Defendant
I have reviewed all of the terms and obligations of the Plea Agreement with Venjah Hunte. I believe that he fully understands the plea agreement and all of its consequences.

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

By:

 5/8/08

Reid Rubin, Esq.
Assistant State Attorney
Florida Bar #715123

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

Case No. F-07-42264

Judge Murphy

STATE OF FLORIDA v.

VENJAH HUNTE , Defendant

**ORDER RATIFYING TERMS OF PLEA AGREEMENT AND PROPOSED STIPULATED
SENTENCE**

THIS CAUSE having come to be heard upon the joint Motion of the Defendant and the State for an Order Ratifying Terms of Plea Agreement and Stipulated Sentence, it is hereby

ORDERED AND ADJUDGED that the said Motion be and the same is GRANTED, and the Court, by this Order, agrees to impose the sentence that the State recommends pursuant to the express terms of the plea agreement upon the full and complete execution of all contractual obligations and conditions precedent specified therein.

DONE AND ORDERED at Miami, Miami-Dade County, Florida, this the ____ day of May, 2008.

Honorable Dennis Murphy
Circuit Judge