



DISTRICT COURT OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA, )  
 )  
v. ) Case #: \_\_\_\_\_  
 )  
BURKETTE, DAVID )  
 )  
Defendant. )

PLEA AGREEMENT

On July 1, 2020, after discussions and negotiations between the parties, after giving the Defendant a full explanation of his rights, and after such disclosure of information between the parties as each deems sufficient, it is agreed in this case, subject to acceptance by the Court, that:

1. The Defendant will enter a PLEA OF GUILTY, to failing to properly utilize his campaign checking account, see Ala. Code § 17-5-6 (1975), a Class A misdemeanor, see Ala. Code § 17-5-19(a) (1975). The State will not seek to prosecute the Defendant for any of additional crimes arising from the facts forming the basis of this investigation as previously discussed with Defendant's counsel. The Defendant agrees to complete all necessary documentation and make himself available for all necessary appearances to facilitate his plea.

WB  
(Defendant's initials).

2. The Defendant knowingly and voluntarily agrees to waive the statute of limitations applicable to a misdemeanor violation of Ala. Code § 17-5-6 (1975) because he "believes that [the] criminal statute of limitations no longer works to his advantage ...." Hall v. State, 497 So. 2d 1145, 1148 (Ala. Crim. App. 1986). Specifically, the defendant waives the application of the statute of limitations to avoid any possible prosecution for greater offenses based on the facts of his crime.

WB  
(Defendant's initials).

3. The Defendant agrees to resign from the Alabama Legislature no later than September 1, 2020. He further agrees he will not run for or accept a position in a public office of any kind for a period of 10 years.

WB  
(Defendant's initials).

4. The State agrees to stand silent as to the imposition of a jail sentence, and the Defendant may argue against any jail sentence. The Defendant, however, agrees to accept any legal sentence of imprisonment imposed by the Court.

DB (Defendant's initials).

5. The Defendant agrees to pay a \$3,000.00 fine, any fees, and/or court cost imposed by the Court.

DB (Defendant's initials).

6. The State agrees not to seek any restitution.

DB (Defendant's initials).

7. The Defendant agrees to waive his right to appeal, including any and all post-conviction remedies, except that the Defendant may appeal the imposition of a sentence "not provided for by statute." Ex parte State of Alabama, 291 So. 3d 1211, 1213 (Ala. Crim. App. 2018).

DB (Defendant's initials).

8. The parties stipulate to the following factual basis for this guilty plea:

David Burkette was a candidate for Montgomery City Council in the 2015 election. Between April 2015 and January 2016, Burkette raised \$3,625 in campaign donations but intentionally failed to deposit those donations into his campaign account. Instead, Burkette deposited or cashed those donations into or against his personal bank accounts.

DB (Defendant's initials).

Signatures

David Burkette  
Defendant's Signature

Steve Marshall  
Alabama Attorney General

David Burkette  
[Signature]  
Defendant's Attorney's Signature

BY: [Signature]  
Prosecutor's Signature

The Court hereby ACCEPTS the Plea Agreement.

DATE

DISTRICT JUDGE