

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR POLK COUNTY

STATE OF FLORIDA

DIVISION: F4

VS.

CASE NO.: 53-2025-CF-008072-A000-BA

BENJAMIN DAVID CUNZEMAN WALKER

FELONY PLEA FORM

I, the above-named defendant, understand that I have been charged with the following crimes:

CHARGES

- 1) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 2) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 3) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 4) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 5) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 6) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 7) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 8) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 9) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 10) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 11) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 12) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 13) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 14) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 15) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 16) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 17) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 18) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 19) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 20) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 21) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 22) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 23) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 24) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 25) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 26) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 27) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 28) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 29) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 30) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 31) POSSESSION OF CHILD PORNOGRAPHY (F 3)
- 32) POSSESSION OF CHILD PORNOGRAPHY (F 3)

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STACY M. BUTTERFIELD, CLERK

33) TRAVELING TO MEET A MINOR (F 2)

34) TRANSMITTING MATERIAL HARMFUL TO MINORS (F 3)

35) ATTEMPTED LEWD BATTERY ON A CHILD (F 3)

I understand that I could be subject to the following SPECIAL DESIGNATIONS or ENHANCEMENTS.

☐ 10/20/L

☐ HVFO

☐ Repeat Sex Batt.

☐ PRR

☐ 3X

☐ AM Elig.

☐ HO

☐ VCC

☐ VFOSC

I understand fully the charge(s) to which I am pleading guilty/no contest as set out below:

☒ As charged COUNTS 1 - 32

☒ State to nolle prosequi counts: 33, 34 & 35

☐ I will plea to a lesser/stipulated lesser _____ of count ____.

Check appropriate line:

☐ 1. (a) I am pleading guilty.

☒ (b) I am pleading nolo contendere, and by so doing acknowledge that I feel it is in my best interest to do so.

☒ 2. (a) I am pleading to the above identified charges above pursuant to a plea agreement and the terms of that agreement are set forth below:

☐ (b) I admit violation(s) of probation/community control in the above identified cases with the terms of disposition set forth below.

☐ 3. Defendant is eligible for the SAO Drug Diversion Program

FSP 125.55 MONTHS ON COUNTS 1 - 30

-FOLLOWED BY-

60 MONTHS SEXUAL OFFENDER PROBATION ON COUNTS 31 & 32.

Defendant is pleading to a QUALIFYING SEXUAL OFFENSE. All standard conditions of probation/community control as set forth in Florida Statutes §948.30, §943.0435 and as set forth in the Tenth Circuit Sentencing Order pursuant to F. S. 948.30 apply. The standard conditions set forth in F.S. 948.30 are not required to be orally pronounced at sentencing pursuant to LEVANDOSKI V. STATE, 245 SO.3d 643 (FLA. 2018) and Florida Statutes §948.30.

PURSUANT TO THIS PLEA AND THE ACCOMPANYING SENTENCE, THE DEFENDANT WILL BE DESIGNATED AS A:

☒ **SEXUAL OFFENDER and**

☐ **SEXUAL PREDATOR**

Pursuant to F.S. 921.244, the defendant is prohibited from having contact, direct or indirect, with victim during any period of incarceration or supervision, unless the victim, after reaching age 18, requests that the prohibition be lifted or modified and after the court conduct an evidentiary hearing and determines that circumstances have changed and that it is in the best interest of the victim to lift or modify the no contact order.

The defendant must provide a submission of blood or other biological specimens to the Florida Department of Law Enforcement DNA Database per F. S. 943.325.

The defendant understands that, if this plea requires a term of probation or community control, that they must perform all conditions as directed by their supervising officer or the Court. The defendant further understands and acknowledges that in addition to all the standard conditions of supervision set out in 948.03, FS, and in the standard order of probation or order of community control (948.01(1)(b), FS), that the defendant shall have the following special conditions to be performed as set out below:

- ☒ I must undergo a Psychosexual evaluation within 60 days and, if treatment is deemed necessary, I must successfully complete the treatment within nine months but in no case less than four months prior to termination of my supervision. I stipulate to a nexus for this condition and further understand that I am responsible for the payment of any costs incurred while receiving said evaluation and treatment.
- ☒ The defendant shall have a curfew of 10PM to 6AM daily unless directed otherwise by the Court. The defendant understands that the probation officer is authorized by the Court to modify the curfew to accommodate the defendant's work schedule but it is the defendant's responsibility to provide proof of employment hours as directed by the probation officer.
- ☒ The defendant shall be monitored via ankle monitor and GPS locating system.
- ☒ The defendant shall not download, access or utilize social media or social networking (which is defined as web-based/data-based communication tools that enable people to interact with each other by both sharing and consuming information). The court may allow access only after a risk assessment is

completed by a qualified practitioner who approves and implements a safety plan for the defendant's accessing or using the Internet or other computer services.

- ☒ I shall register all of my internet identifiers, including email addresses, Facebook, Snapchat, Instagram, and any other messaging apps, with my probation officer.
- ☒ The defendant shall be deemed a Sexual Offender and shall fulfill all requirements of Florida Statutes §943.0435. The defendant shall report as required by Florida Statutes §943.0435(2) within 48 hours of release from custody/sentencing.
- ☒ I shall submit my person, property, place of residence, vehicle or personal effects to a warrantless search at any time, by any probation or community control officer or any law enforcement officer when the law enforcement officer has reasonable suspicion to search;
- ☐ I shall consume no alcohol, nor be in possession of alcohol, nor associate with persons who use alcohol, nor frequent places where the service or sale of alcohol is the main source of business;

The following special DRUG/ALCOHOL conditions of Probation/Community Control shall apply as follows:

- ☐ I shall not use any illegal drugs, be in possession of illegal drugs, associate with persons who use drugs or frequent places where illegal drugs are used;
- ☐ I must undergo a Drug and Alcohol evaluation within 60 days and, if treatment is deemed necessary, I must successfully complete the treatment within nine months but in no case less than four months prior to termination of my supervision. I further understand that I am responsible for the payment of any costs incurred while receiving said evaluation and treatment;
- ☐ I shall submit to urinalysis, breathalyzer, or blood tests at any time as ordered by the court or as requested by my officer or the professional staff of any treatment center where I am receiving treatment to determine the possible use of alcohol, drugs or controlled substances. These will be at my expense unless my officer waives payment;

Special terms or conditions of this plea include:

mandatory and discretionary fines and other costs and restitution as a condition of probation/community control or otherwise, as set forth beginning in this agreement. Any additional conditions of Probation/Community Control are up to the Court.

STATEMENT OF ASSISTANT STATE ATTORNEY

I hereby state that any discovery available at this stage in the proceedings has been made available to the defendant or the defendant's attorney. I am not personally aware of any physical evidence the DNA testing of which may exonerate the defendant.

August 6, 2026
DATE

/s/ Seth A. Solomon
ASSISTANT STATE ATTORNEY

STATEMENT OF RIGHTS

1. I understand that 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 what a jury trial is and that I can help select my jurors and have a right to require all jurors to agree on a verdict.
2. I understand that I have the right to be represented by an attorney at the trial and that if I cannot afford one, the Court will appoint an attorney to represent me.
3. I understand that I have the right to compel the attendance of witnesses on my own behalf, the right to confront and cross examine all witnesses testifying against me, and the right to testify, or to remain silent and have the jury instructed that my silence cannot be used against me.
4. I understand that if I plead guilty or nolo contendere, there will be no trial and I waive all rights that go along with a trial.
5. I understand that if I plead guilty or nolo contendere without reserving the right to appeal, I am waiving my right to appeal all matters relating to the judgment including the issue of my guilt or innocence.
6. I understand that if I plead guilty or nolo contendere and that if I am not a United States citizen I will be subject to deportation.
7. I understand that after entering a plea the judge may ask me questions and if my answers are not true, it could lead to a perjury prosecution.
8. I understand that if the charge to which I am pleading is a drug related offense or other enumerated offense, my driver's license could be suspended or revoked.
9. I understand that if I am pleading to or have ever been convicted of a qualifying sexual 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, if conditions therein are met.
10. I understand that if I am pleading to or have ever been convicted of a sexually motivated crime, I could be subject to civil commitment as a sexually violent predator pursuant to Chapter 394, Florida Statutes, upon release from any prison or jail sentence now or hereafter imposed in this or any future cases.
11. I understand that if I am sentenced to probation or community control for a qualifying offense committed on or after March 12, 2007, or have previously been convicted of a qualifying offense, or have previously been designated as a Habitual Violent Felony Offender; a Three Times Violent Felony Offender, or a Sexual Predator, and then violate my probation or community control, I may be held without bond and be subject to sentencing as a Violent Felony Offender of Special Concern. FS 948.06
12. I am not suffering from any mental illness which would impair my understanding of this plea.
13. I certify that no one has promised me anything or threatened or coerced me in any way in order to get me to enter this plea, and I am pleading freely and voluntarily.
14. I certify that I have discussed the charges with my attorney including the maximum and minimum penalties and possible defenses and am satisfied with the representation of my attorney.
15. I understand that any representation by my attorney or anyone else as to the amount of gain time I may earn on my sentence or as to how much of my sentence I will actually serve is only as estimate and is not a promise or guarantee. I understand that this plea agreement is not contingent upon any such representation

and that I will not be able to withdraw from this agreement or otherwise challenge my conviction or sentence, if the representation is in fact inaccurate or incorrect.

16. I understand that I may be required to submit blood or other biological specimens to the Florida Department of Law Enforcement DNA Database per FS 943.325.
17. In addition to restitution, I understand that some or all of the costs and fines indicated in paragraphs (1) through (16) below will be assessed against me on each case to which I have plead guilty or no contest, as part of my sentence or as a condition of probation or community control, and I agree to pay them as directed by the Court. I understand that some of the costs or fines indicated below are mandated by statute and must be imposed, and that I may not contest the assessment or amount of these mandatory costs and fines nor any statutory changes in these amounts that may be enacted by the time I enter my plea. I further understand that some of the costs and fines are discretionary and may be imposed against me by the Court. I understand that I have a right to a hearing with regard to the assessment or amount of discretionary costs or fines. By this agreement I do expressly agree to the imposition of all discretionary costs or fines imposed upon me by the Court and waive my right to contest the assessment or amount of all discretionary costs or fines.

Fines and costs are set forth below (additional cost or fines will apply to DUI/BUI charges):

- (1) \$ _____ **MANDATORY FINE(S)** FS 316.193(2)(b) (DUI); FS 327.35(BUI); FS 893.135 (Drug Trafficking); FS 828.12 (Animal Cruelty); FS 775.0835 (Death or Injury) **DISCRETIONARY FINE(S) UP TO COURT** in amount(s) per count not exceeding \$15,000 (LF), \$10,000 (F1 or F2), \$5,000 (F3), \$1,000 (M1) and \$500 (M2) FS 775.083
- (1) 5% surcharge on FINE(S) FS 938.04, FS 960.21
- (2) \$3 FS 938.19 (Teen Court) and \$15.00 FS 943.325 for DNA collection
- (3) \$50 FS 938.03 (Crimes Compensation Trust Fund)
- (4) \$225 FS 938.05 (Criminal Justice Trust Fund) (FELONY), OR \$60 FS 938.05 (Criminal Justice Trust Fund) (MISDEMEANOR OR CRIMINAL TRAFFIC)
- (5) \$65 FS 939.185 (1)(a) (Law Library, Teen Court, Legal Aid, Court and Local Funding)
- (6) \$50 (Felony) or \$20 (Misdemeanor) FS 775.083(2) (Crime Prevention Programs)
- (7) **ADDITIONAL \$ 250** per case payable to SAO (Cost of Prosecution) FS 938.27(8). (In addition to the minimum \$100 per case). I understand this amount may be increased in response to requests I or my attorney may make in negotiating this agreement. Additionally, \$100 per case payable to SAO (Cost of Prosecution) for a violation of probation. Further, I may be required to pay all or part of these costs in advance. I understand this amount is a part of the final plea agreement and I hereby agree to this stipulated amount without further hearing. I understand that any amounts paid to the State Attorney before or after entry of this plea are not refundable.

FELONY SUB-TOTAL w/o FINE: \$513 MISD. SUB-TOTAL w/o FINE: \$318 (MINIMUMS)

- (8) \$5 FS 938.01 (Clearing Trust Fund) (if adjudicated guilty)
- (9) \$2 FS 938.15 (Criminal Justice Education Fund)(Polk County Code 2.203)(if adjudicated guilty)
- (10) \$20 Crime Stoppers Trust Fund surcharge on FINE(S) FS 938.06
- (11) \$15 County Alcohol/Drug Abuse Trust Fund FS938.13, Polk County Ord 90-05, 98-64
- (12) **\$178.43 INVESTIGATIVE COSTS** payable to **Haines City PD** FS 938.27 _____
- (13) \$ _____ **EXTRADITION COSTS** payable to PCSO FS 938.27 (file affidavit)
- (14) \$151 Child Advocacy Trust Fund FS 938.10(1) on a per count basis.
- (15) \$151 Rape Crisis Program Trust Fund. FS938.085 (eff Crimes committed after 7/1/03) for violations of FS 784.011, 784.021, 784.03, 784.041, 784.045, 784.48, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, 787.01(3), 787.02(3), 787.025, 787.06, 787.07, 794.05, 794.08, 794.011, 796.03, 796.035, 796.04, 796.045, 796.05, 796.06, 796.07(2) (a)-(d) and (i), 800.03, 800.04, 810.14, 810.145, 812.135, 817.025, 825.102, 825.1025, 827.071, 836.10, 847.0133, 847.0135(2), 847.0137, 847.0145, 943.0435(4) (c), (7), (8), (9) (a), (13), and (14) (c), 985.701(1) and any DV defined in 741.28 on a per count basis.
- (16) \$201 Domestic Violence Trust Fund Surcharge FS 938.08 applies to same crimes as para (15) on a per count basis.
- (17) \$250 Wildlife Violation Surcharge FS 372.7015
- (18) If court determines Defendant is presently able to pay and payment will not prevent rehabilitation or restitution, an amount up to the amount of fine(s) Alcohol & Drug Abuse Program FS 938.21
- (19) \$100 FDLE Operating Trust Fund FS 938.055 for non-trafficking drug violations of FS 893.13
- (20) \$5000 FS 796.07(6) Mandatory Civil Penalty for violation of FS 796.07(2f)
- (21) \$15 FS 938.18(13)(a) (Surcharge on Traffic Fines) plus \$3 FS 318.18(17) for ch. 316 violations
- (22) \$100(Felony) or \$50(Misd/Traff) for PD or CrtApptAtty Fee if applicable FS938.29(Minimum)

- (23) \$50 Application Fee for Public Defender or Court Appointed Attorneys, if applicable FS27.52
- (24) \$5 cost Reckless Driving/Serious Bodily Injury to Another 316.192(3)(c)2; third degree felony Emergency Medical Services fee (imposed if fine is assessed) \$5.00 – 316.192(4); Emergency Medical Services Trust Fund \$65 – 318.18(20)
- (25) \$1001 costs Criminal Use of Personal I.D. 817.568; to be imposed upon a guilty or no contest plea regardless of adjudication
- (26) \$50,000 fine 817.505; Patient Brokering Involving 10 to 20 patients; second degree felony
- (27) \$100,000 fine 817.505; Patient Brokering Involving 20 or more patients; first degree felony
- (28) \$500,000 Theft Commercially Farmed Animals, third degree felony, 817.505
- (29) \$10,000 Continuing Criminal Enterprise 893 felonies (with 5 or more people), life felony
- (30) \$5,000 fine plus 5% surcharge for Motorcycle/Moped/Excessive Speed 50 MPH Over Speed Limit, 318.14, third degree felony
- (31) \$50,000 fine (5% surcharge) Pollution, third degree felony, 373.430(1)
- (32) Civil penalty, Practicing Without a Valid Health Care License, 456.065; civil penalty is discretionary, not less than \$500 and not more than \$5000 (no surcharge)
- (33) The Court may reserve the Jurisdiction to impose a Civil Restitution Lien pursuant to FS960.291, et seq for damages or losses to victims or to the State of Florida or its local subdivisions
- (34) If placed on any form of community supervision, costs of supervision and rehabilitation of \$30 per month payable to the Department of Corrections will be assessed in addition to \$30 or \$50 for electronic monitoring, if ordered, \$1 (First Step) if ordered, and \$2 (FDOC) Training Costs) FS 948.09 and FS 948.03 and Admin Order 2-64-0

STATEMENT OF DEFENDANT AND ATTORNEY

I, the above-named defendant, acknowledge that I have had the opportunity to review this agreement with my attorney. I understand its terms and that I have had the opportunity to discuss with my attorney the possibilities of DNA testing. I understand I have a right to have counsel investigate my case prior to trial including an opportunity to obtain more detailed discovery from the State. I waive my right to require the state to produce DNA evidence, and I waive my right to have any such DNA evidence tested and/or I am personally unaware of any physical evidence the DNA testing of which may exonerate me. I agree with all representations made by my attorney below.

8-7-26
DATE


DEFENDANT

STATEMENT OF ATTORNEY

I, as the attorney for the above-named Defendant, state that I have reviewed this plea form with my client and, to the best of my knowledge and belief, the Defendant fully understands its contents. I further acknowledge that I have reviewed with my client, the discovery made available by the state, including any items of physical evidence contained therein or the lack thereof, and that I am personally unaware of items of physical evidence the DNA testing of which may exonerate my client. I have explained the effect of this plea agreement and of the waiver signed above including the effect of waiving the right to have more detailed discovery and the right to have any physical evidence tested for DNA evidence.

8/7/26
DATE


ATTORNEY FOR DEFENDANT

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