

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR ORANGE
COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. _____
DIVISION _____

v.

ADMISSION OF VIOLATION OF PROBATION/COMMUNITY CONTROL

1. I, the above-named defendant, hereby withdraw my denial of violation of probation/community control, and admit violating condition(s) _____ of my probation/community control order(s). I understand I am on probation/community control for the following charge(s):

which carries a total maximum penalty of _____ days in county jail/ years in state prison.

2. I understand the following paragraphs concerning my constitutional rights when charged with a violation of probation/community control:

a. that if the Court accepts my admission(s) that I violated probation/community control, I give up my right to a violation of probation/community control hearing, at which I would have the following rights:

(i) to have a hearing, without a jury, before the Judge;

(ii) to see and hear the witnesses testify, and to have my lawyer question them for me;

(iii) to subpoena & present witnesses & items of evidence in my defense and, to present any defense I might have to the Judge;

(iv) to testify or remain silent, as I choose, at the hearing concerning any new criminal law violations, and I also understand that I can be called to testify at the hearing concerning allegations of any non-criminal/technical violations; and

(v) to require an evidentiary hearing at which the State would have to prove to the Court, by admissible evidence, that I substantially and willfully violated my probation/community control by a preponderance of the evidence, before I can be found guilty of violating my probation/community control by the Judge.

b. that I give up my right to appeal all matters except the legality of my sentence or this Court's authority to hear this case. My lawyer has explained to me what an appeal is.

Page read and understood. Def. initials _____

c. that I understand that if the Court accepts my admission(s) of violating my probation/community control there will be NO HEARING and the Judge will impose sentence(s) based upon my admission(s).

d. that the Judge can either put me back on probation/community control with the same or new conditions or the Judge can revoke my probation/community control and sentence me up to the maximum penalty for the charge(s) listed above.

e. I have read the violation affidavit in my case and I understand the violation(s) to which I am admitting. My lawyer has explained any possible defenses to the violation(s) to me.

3. Neither my lawyer nor anyone else has told me or promised me that the Judge would restore me to probation/community control or give me a particular sentence, nor has my lawyer or anyone else told me or promised me anything to get me to enter my admission(s) except as set forth below or said in open Court:

a. No promises have been made by my lawyer or anyone else.

b. The prosecutor has agreed to _____

c. The Judge has agreed to _____

4. I understand that if I am on probation/community control for a felony and my admission is accepted by the Judge, the Judge will then sentence me under the Criminal Punishment Code, F.S. 921.002. I also understand that if I am on probation/community control for a misdemeanor, that the Criminal Punishment Code does not apply and that I can be sentenced up to the maximum for each misdemeanor count listed above.

5. If this is a pre-guidelines case, I wish do not wish to be sentenced under the Criminal Punishment Code.

6. I understand and agree that if the Judge permits me to stay out of jail pending sentencing I must notify my lawyer and bondsman or pre-trial release officer of any change in my address or phone number and if I willfully fail to appear for sentencing or commit a new criminal offense while I am awaiting sentencing the Judge is not bound by the terms of this plea agreement, I cannot withdraw the plea and the Judge can sentence me to whatever the Judge determines is a proper sentence, up to the maximum allowed by law.

7. My education consists of _____. I can read and write in English. I was read this plea form by _____.

8. I am not under the influence of any drugs, medication or alcohol at the time I sign this admission. I am not suffering from any mental problems at this time which affect my understanding of this admission.

I take prescription drugs for a diagnosed mental and/or physical condition of _____. Those drugs are _____. They do not affect my understanding of this admission, my ability to understand the Court or my lawyer, or my judgment/decision making abilities.

Page read and understood. Def. initials _____

9. Neither my lawyer nor anyone else has pressured or forced me to enter my admission and I am entering my admission voluntarily of my own free will and because:

() I believe I violated my probation/community control. () I believe it is in my own best interest to make this admission.

10. I have read every word of this written admission. I have discussed this written admission with my lawyer and I fully understand everything contained in it. I have discussed the maximum penalties for the charge(s) for which I am on probation/community control, the sentencing guidelines and I fully understand them. I have told my lawyer everything I know about this case and these violations. I am fully satisfied with the way my lawyer has handled my violation case for me and have no complaints. My attorney(s) have done everything I have asked him/her to do.

11. I understand, and my attorney has explained to me that if I AM NOT A UNITED STATES CITIZEN ANY ADMISSION OF VIOLATION OF PROBATION/COMMUNITY CONTROL SUBJECTS ME TO DEPORTATION, under the laws and regulations of the United States Immigration and Naturalization Service.

SWORN TO AND FILED in open court in the presence of defense counsel and the Judge this _____ day of _____, 20_____.

By: _____ Defendant's Signature _____

Address & Phone _____

CERTIFICATE OF DEFENSE ATTORNEY(S) AND PROSECUTOR

I, defendant's counsel of record, certify that: I have discussed this case with the defendant, including his/her rights, the nature of the violation(s), the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty for the charge(s), the Criminal Punishment Code and the right to appeal. No promises have been made other than as set forth in this plea or on the record. I believe the defendant fully understands this written plea, the consequences of entering it, and that the plea is entered of the defendant's own free will.

I, the prosecutor, confirm the representations in Paragraph 3(b).

Defendant's Attorney
Florida Bar No. _____

Prosecutor
Florida Bar No. _____