

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION: CR-

STATE OF FLORIDA

vs.

_____,
Defendant

Admission of Violation of Probation/Community Control

_____ At this time, I wish to withdraw my prior denial, if one has been entered, and instead admit my Violation of Probation/Community Control.

_____ I am entering an admission to the Violation of my Probation/Community Control to the court because I do not have a negotiated plea agreement with the State Attorney's Office.

_____ The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows. My sentence has been negotiated in this case in that:

My probation/community control will be _____

_____ I was previously adjudicated guilty of the underlying offense(s).

_____ I will maintain my withhold of adjudication on the underlying offense(s) for which I was placed on probation

_____ I will be adjudicated guilty of the underlying offense(s) for which I was placed on probation.

Terms of Admissions of Violation of Probation/Community Control:

_____ My fines and fees will be converted to a civil judgment.

_____ Restitution was previously ordered as a condition of probation. A restitution order will now be entered for the balance.

_____ I _____ am _____ am not entitled to a Pre-Sentence Investigation Report under Florida Rule of Criminal Procedure 3.710. _____ If I am entitled to a report, I agree to waive my right to such a report.

I am represented by a lawyer whose name appears below. I have told my lawyer all the facts and circumstances about the charges against me. My lawyer has counseled and advised me on the nature of each charge; and on all possible defenses that I might have in this case.

I have had ample time to discuss this agreement with my attorney. My attorney and I have read this agreement regarding my admission together in private, and my attorney has explained all portions of this agreement to my complete understanding and satisfaction. We have fully discussed all aspects of the case. My attorney has given me the opportunity to ask questions and has answered all of my questions fully and completely. My attorney has taken all actions requested by me, or has explained to my satisfaction and agreement why such actions should not be taken, and I concur with my attorney's decisions in that regard. I am completely satisfied with the services rendered by my attorney on my behalf in this case.

I understand that I will be required to pay mandatory fees and costs that will be assessed against me and that the Court may assess additional discretionary costs. I also understand that the Court may require me to pay restitution.

Advice of Rights: I understand that I have the right to deny any allegation against me or if I have entered a denial, to persist in the same and proceed to a hearing. If I elect to proceed to a hearing, I understand that I have a right to be tried by a judge only. I have the right to the assistance of counsel, the right to compel the production of evidence and the attendance of witnesses on my behalf, the right to confront and cross-examine witnesses against me. I also understand that I have the right to remain silent. I have the right to take the witness stand. I understand that I would have a right to appeal the Court's finding that I am in violation, and I would be entitled to representation of counsel on appeal, including appointment of counsel at no expense to me if I am indigent. **I understand that by admitting the Violations of Probation / Violation of Community Control, I waive and give up my rights as listed in this paragraph and that there will be no hearing.**

If I am presently on probation/early prison release/parole in another matter, I understand that by admitting the violation of probation or community control in this case it may cause revocation of my probation/early prison release/parole in other cases and that this could result in a sentence of imprisonment in that other case. I further understand that if revoked, any sentence in this case may be consecutive to any sentence in the case in which probation/early prison release/parole is revoked.

Other than the agreement, if any, contained on this admission form, no promise or suggestion of any kind has been made to me. No one has subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this admission.

I agree that the judge may find a factual basis for my admission based on the affidavit filed by the Department of Corrections or my probation/Community Control Officer.

My lawyer has advised me of considerations bearing on the choice of which plea(s) to enter, and the advantages and disadvantages of such plea(s), and the likely results thereof, as well as possible alternatives available to me. The plea agreement contained on this form was concluded by me and my attorney with my full and complete consent and agreement. I fully agree with the efforts of my attorney and to the terms of the agreement. I believe that my lawyer has done all that a competent attorney could do to counsel and assist me. I am satisfied with the advice and help s/he has given me. Even though I have been assisted and advised by my lawyer, the decision to enter an admission is mine alone and is made by me after considering the advice and counsel of my lawyer.

JIMMY RYCE / SEX OFFENDER WARNING: I understand that if I am admitting to violating my probation/community control or if I have previously been convicted of a sexually motivated offense, as that term is defined in Section 394.912, Florida Statutes, my admission in this case may subject me to the

provisions of the Jimmy Ryce Civil Commitment Act, Florida Statutes, Section 394.910, et seq., which allows the State to commit me to a secure treatment facility for an indefinite period of time.

I have also been advised that if I am admitting to violating my probation/community control to a qualifying sexually related offense as enumerated by Florida Statutes, I could be required at any time to register as a sexual offender or sexual predator not as a sentence or punishment, but as a status.

IMMIGRATION AND NATURALIZATION WARNING: I understand that if I am not a United States Citizen, this admission and the resulting sentence will lead to my deportation pursuant to the laws and regulations governing the United States Department of Homeland Security/Immigration and Naturalization Services; and in some instances, depending on the nature of the offense, I will be mandatorily deported. I have consulted with my lawyer regarding this issue and I am satisfied with the answers he/she has given me.

DRIVER'S LICENSE SUSPENSION WARNING: I understand that if I am convicted of certain drug offenses or driving offenses, the Florida Department of Highway Safety and Motor Vehicles may administratively suspend my driving privileges without any input from the court.

I believe that I am competent to enter this plea and enter this plea knowingly, freely, and voluntarily. My physical and mental health is presently satisfactory.

I am not under the influence of any substance, drug or condition which interferes with my appreciation of the entire plea agreement into which I am entering and all consequences thereof; I have not been deprived of, and properly taking, any medication which is essential to my full, complete and unimpaired understanding of the plea agreement and these proceedings.

Entered into open court this _____ day of _____, 20_____.

Defendant
Print Name _____

Assistant State Attorney²

Print Name: _____

Fla. Bar No.: _____

Attorney for Defendant¹

Print Name: _____

Fla. Bar No.: _____

Circuit Judge

¹ By signing this form Defense counsel certifies that (s)he has explained this form to the defendant and answered all the defendant's questions including but not limited to the ramifications of entering a violation admission and the possible consequences of the plea, the terminology of the form if the defendant is unfamiliar with the terms used, and the defendant's exercise of his/her rights and the effect of waiving those rights.

² By signing this form the Assistant State Attorney certifies to this court that all known exculpatory evidence, physical or otherwise, has been disclosed in discovery, including but not limited to any physical evidence which may be exculpatory in nature and that may be DNA tested.