

STATE OF FLORIDA

CASE # _____

-v-

Defendant.
_____ /

ADMISSION OF VIOLATION OF PROBATION / COMMUNITY CONTROL

1. I, the above-named Defendant, hereby withdraw my plea(s) of Not Guilty, 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/years in the county jail / state prison.

2. I understand the following paragraphs concerning my violation of probation/community control hearing rights:

- a. that if the Court accepts my admission(s), I give up my right to a violation of probation/community control hearing, at which I would have had the following rights:
 - i. To have a hearing, without a jury, before a judge;
 - ii. To see & hear the witnesses testify, and to have my lawyer question them for me;
 - iii. To subpoena and present witnesses & evidence in my defense, & to present any defense I might have to the judge;
 - iv. To testify or remain silent 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 violations; and
 - v. to require the Assistant State Attorney to prove my guilt by admissible evidence to the satisfaction of the Judge's conscience before the judge can find me guilty of violating my probation/community control.
- 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.
- 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 admissions.
- d. that the Judge can put me back on probation/community control with the same or new conditions, or the Judge can revoke my probation/community control & sentence me up to the maximum penalty for the above-listed charge(s).
- e. I have read the VOP Affidavit and I understand the violation(s) to which I am admitting. My lawyer has explained any possible defenses.

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 court:

- a. () No promises have been made by my lawyer or anyone else.
- b. () The Assistant State Attorney has agreed to _____
- c. () The Judge has agreed to _____

4. I understand that if I am on probation/community control for a felony & the Judge accepts my admission, the Judge will sentence me under the Sentencing Guidelines. A presumptive sentence will be determined based on certain factors. The sentence imposed may be included within the original cell of the guideline range or may be increased to the next higher cell of the guideline range without requiring the Judge to give a reason for a departure. The Judge can go above this next higher cell of the guideline range & impose up to the maximum penalty for each felony charge as listed above by stating clear and convincing reasons. If the Judge does go above the next higher cell of the guideline range by stating these clear and convincing reasons for departure, I will have the right to appeal my sentence. I also understand that if I am on probation/community control for a misdemeanor, that the Sentencing Guidelines do not apply & that the judge can sentence me up to the maximum for each misdemeanor count listed above.

5. I understand & agree that if the Judge permits me to stay out of jail pending sentencing I must notify my lawyer & bondsman or pre-trial release officer of any change in my address or phone number, & if the Judge orders a Pre-Sentence Investigation (PSI) & I willfully fail to appear for an appointment with the probation officer for the PSI Interview, the Judge can place me in jail for the PSI interview, or until my sentencing.

6. My education consists of _____. I am not under the influence of any drug, 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.

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

() I believe that I am guilty () I believe it is in my own best interest.

8. I have read every word in this written admission. I have discussed this written admission with my lawyer & 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 handed my VOP and I have no complaints.

9. I understand, and my lawyer has explained to me, that if I am not a United States Citizen, any violation of probation/community control admission subjects me to deportation according to the Laws and Regulations of the United States Dept. of Homeland Security.

SWORN TO AND FILED in Kissimmee, Osceola County, Florida, in the presence of my lawyer and the Judge this ____ day of _____, 20_____.

Malcom Thompson, Clerk of the Court

By _____
Deputy Clerk

Defendant's Signature _____
Defendant's Address _____
Defendant's Phone (_____) _____

CERTIFICATE OF DEFENDANT'S ATTORNEY

I, Defendant's attorney of record, certify that: I have discussed this case with the defendant, including their hearing rights, the nature of the violation(s), the evidence against them of which I am aware, their possible defenses, the maximum penalty for the charge for which they are on probation/community control, the sentencing guidelines, and their appeal rights. No promises have been made to the defendant other than as set forth in this form or on the record. I believe Defendant fully understands this written admission, and the consequences of entering it, and that Defendant does so of their own free will.

Signature of Defendant's Attorney

CERTIFICATE OF THE ASSISTANT STATE ATTORNEY

() I consent to the conditions admitted to above.
() I confirm that the promises in 3(b) have been made.

Signature of Assistant State Attorney