

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.:

STATE OF FLORIDA

vs.

_____,
Defendant

_____ /

ADMISSION OF VIOLATION OF PROBATION/COMMUNITY CONTROL

My full name is _____. I have gone to
school up to and including (education) _____. My date of birth is
_____.

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; on any and all lesser included charges; and, on all possible defenses that I might have in this case.

My lawyer is fully informed in all issues in the case(s). My lawyer has informed me that (s)he has considered the statements of, or interviewed all witnesses relating to my case (including alibi witnesses and defenses available to me.) Furthermore my attorney has explained to me the right to inspect all physical evidence collected in my case and have DNA testing on any of the physical evidence that may prove my innocence. By entering this admission I waive my rights to conduct any DNA testing not already done.

At this time I wish to withdraw my prior denial of the affidavit of violation of probation or community control, if one has been entered and instead enter an admission to the allegation(s) in the affidavit of Violation of Probation / Community Control because I am guilty of the allegations(s) therein pertaining to condition(s) _____.

I have been advised that the statutory maximum sentence for the charges(s) to which I am pleading is ____ years imprisonment and/or a fine of \$ _____. I have also been advised that if there are minimum mandatory sentences of incarceration, I'll have to serve ____ years in prison as part of any sentence, and/or pay a minimum mandatory fine of \$ _____. (write n/a if not applicable)

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. In addition, I understand I will be assessed \$100 cost of investigation, unless otherwise specified, and I waive a hearing to determine the amount of costs of investigation.

I understand that I have the right to deny to 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 and at that trial 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, directly or indirectly, by my attorney or by any officer or agent of any branch of government, federal, state or local, to get me to enter this admission. No one, including my lawyer or any officer of any branch of government, federal, state or local, 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 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 admit the violation of

probation/community control is mine alone and is made by me after considering the advice and counsel of my lawyer.

JIMMY RYCE / SEX OFFENDER WARNING: My lawyer has advised me that if I am now admitting to violation my probation/community control on a “sexually violent offense” or if I have previously been convicted of such an offense as that term is defined in Section 394.912, Florida Statutes, my admission in this case could 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, as a person who has been convicted of a sex offense, and who is determined to be likely to commit a violent sexual offense in the future.

I have also being advised that if I am admitting to violating my violating my probation/community control on a any sexually related offense, Florida law requires me to register as a sexual offender and such requirement will be a condition of the sentence.

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.

At this time I am not under the influence of any drugs or intoxicants (if you are under the influence of any drug or substance you must tell the court and/or your attorney prior to signing this form). At this time I am taking the following medications:

_____.

AGREEMENT

_____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 I will be:

_____Adjudicated guilty _____Adjudication of guilt will be withheld

And I will be sentenced to: (please print legibly)

The State and the Defendant stipulate and agree that the Defendant is entitled to _____ days credit for time I have already served on the violation in this/these cases(s) and I waive any other credit I may be entitled to.

Both my attorney and I have signed this plea agreement in open court at this _____ day of _____, 20____.

Defendant

Attorney for Defendant¹
Print Name: _____
Fla. Bar No.: _____

Assistant State Attorney²
Print Name: _____
Fla. Bar No.: _____

ORDER ACCEPTING ADMISSION

The foregoing document was received and accepted in open court. The Defendant signed or acknowledged signing this document while under oath and subject to the penalties of perjury. The court finds the admission to be freely and voluntarily entered and that a factual basis exists in the record for the court to accept it. By accepting this admission, the court is not required to follow any state or defense recommendation stated herein, unless a “Conditional Plea” is fully described above.

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 the plea of guilty or no contest 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 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.