

IN THE COUNTY COURT,
SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FL

CASE NO.: _____

DIVISION: _____

STATE OF FLORIDA

vs.

_____,
Defendant

_____ /

PLEA FORM: VIOLATION OF PROBATION

(Please read completely)

I do hereby ask this Court to accept my plea of guilty or no contest to violation of probation and in order to allow the court to be assured that my plea is knowingly, intelligently and voluntarily made, I state the following as being truthful:

- (1) I am alert. I read, write and speak English, and I have the education to understand the terms of my plea and the negotiations between the prosecutor and myself. No person has forced me to enter this plea with any promises, threats or inducements except the negotiations between the State and myself.
- (2) I am not under the influence of drugs or alcohol, and I have not consumed any substance which would cloud my mind and/or prevent me from understanding what is going on with my case.
- (3) I know that I have the right to have a lawyer assist me throughout my case and to explain my rights, answer my questions and help me to represent my case before this Court. I also know that if I cannot afford a lawyer I can have a judge appointed me one (at the required cost) for full representation in my case.
- (4) I also state that I have spoken to a lawyer or have had the option to speak to one and have waived (decided not to) speak to one. If I have chosen a lawyer to represent me, I do advise (tell) this Court that I have fully discussed my case with her/him and I am satisfied with my lawyer's advice and explanations given to me.
- (5) I know the difference between a not guilty, no contest and guilty plea.
- (6) I admit that I have received a copy of my violation of probation warrant. I admit that I willfully violated a substantial condition of my probation.
- (7) I understand the maximum jail and fine that I could be given by the Court if I plea to a violation of probation.
- (8) I also understand that if I present this plea to the Court, it may cause any other probation, community control or driving privilege to be revoked. If I am not a United States citizen I could be deported. Punishment for additional crimes committed by me in the future could be made worse by my present plea and admission to violation of probation.
- (9) In order for me to enter this plea, I must understand and give up the following rights that I have according to the Constitution and the laws of the State of Florida. They are as follows:

- (a) I have a right to plead not guilty and have a hearing/trial before a judge.
- (b) The State of Florida is required to prove that I willfully violated a substantial condition of my probation by a preponderance of the evidence.
- (c) I have the right to confront all witnesses and cross-examine them in open court.
- (d) I have the right to call witnesses and have the court force them to testify at the hearing.
- (e) I have the right to testify and present evidence and defenses at my hearing.
- (f) I have the right to remain silent as to any conduct or circumstances relating to a separate criminal offense.
- (g) I give up my direct appeal from the Court's judgment and sentence, except for an illegal sentence or collateral attack.

(10) I understand that if I am put back on probation or put on new probation that if I violated the probation, it will not affect the maximum punishment this Court could give.

(11) I have been told and understand that I have 30 (thirty) days from the date of this sentence to appeal the judgment or sentence. I have the right to have a lawyer assist me with such appeal, and if I cannot afford a lawyer one can be appointed by this Court to represent me.

 DEFENDANT

 ATTORNEY FOR DEFENDANT

DATE: _____

FBN: _____

ACCEPTANCE OF PLEA

This Court finds that the Defendant is alert, able and intelligent and capable of exercising his or her best judgment and making decisions in his or her best interest. The Defendant is satisfied with his or her attorney or if he or she has chosen to represent himself or herself, he or she has made a conscious and intelligent waiver of his or her right to an attorney. There exists a factual basis for the Defendant's plea of guilty or no contest and the Defendant's plea is freely and voluntarily made with knowledge of its meaning and possible consequences. The Court therefore accepts the Defendant's plea.

FILED IN OPEN COURT

This _____ day of _____ 20_____

Time: _____ By _____ D.C.

MILLER, A CHRISTIAN

Judge of the County Court

Date: _____