

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
CHARLOTTE COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. \_\_\_\_\_

vs.  
  
\_\_\_\_\_

VIOLATION OF PROBATION/COMMUNITY CONTROL ADMISSION

1. I, \_\_\_\_\_, Defendant herein:

A. Admit/do not challenge the charge of Violation of Probation/Community Control and understand that the maximum penalty for the charge(s) for which I am on probation/community control is \_\_\_\_\_. I also understand the following paragraphs concerning my violation of probation/community control hearing rights:

(1) That if the Court accepts my plea, I will give up my right to a hearing, at which I would have had the following rights: [1] to have a hearing, without a jury, before the judge; [2] to see and hear the witnesses testify, and to have my lawyer question them for me; [3] to subpoena and present witnesses and items of defense and to present any defense to the Judge that I might have; [4] to testify or to remain silent if charged with violating my probation/community control by committing a new pending criminal law violation; and [5] to require the prosecutor to prove my guilt by admissible evidence to the satisfaction of the Court's conscience before I can be found guilty of violating my probation/community control by the Judge.

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

(3) That I understand that if the Court accepts my plea there will be NO HEARING and the Court will impose a sentence based upon this plea. I further understand that the Court will consider this plea the same as a plea of Guilty; and make a finding of guilt; and as far as the rest of the world is concerned, I am guilty of this charge.

(4) I have read the violation warrant in this case and I understand the violation(s) to which I am pleading. My lawyer has explained any possible defenses to the violations(s).

2. Neither my lawyer nor anyone else has told me or promised me that the Judge would give me a lighter sentence or a particular sentence, nor has my lawyer or anyone else told me or promised me anything to get me to enter my plea except as set forth below or said in open Court on the record.

A.  No promises by my lawyer or anyone else.

B.  The Prosecutor has agreed to:

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C.  The Judge has agreed to:

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Any agreements made are based on what I have said my prior record is. Also, any agreement to the maximum amount of jail time does not limit the Court in imposing other optional sentencing choices, such as a fine or term of probation, unless they are expressly excluded in the agreement above.

3. Neither my lawyer or anyone else has pressured or forced me to enter my plea and I am entering my plea voluntarily of my own free will and because:

I believe that I am guilty.

I believe it is in my own best interest.

4. **IF THE CRIME FOR WHICH YOU WERE PUT ON PROBATION/COMMUNITY CONTROL WAS COMMITTED PRIOR TO OCTOBER 1ST, 1998, THE FOLLOWING APPLIES:**

I understand my sentence will be imposed within the sentencing guidelines. My presumptive sentence is based upon certain factors, which have been explained to me. The Court can exceed this presumptive sentence and impose up to the maximum of \_\_\_\_\_ by expressing clear and convincing reasons to do so. If the sentencing guidelines are exceeded, I will have the right to appeal this sentence. I have truthfully advised the Court as to my prior criminal history so that my presumptive sentence can be estimated under the sentencing guidelines.

5. **IF THE CRIME FOR WHICH YOU WERE PUT ON PROBATION/COMMUNITY CONTROL WAS COMMITTED ON OR AFTER OCTOBER 1ST, 1998, THE FOLLOWING APPLIES:**

The sentencing guidelines calculate a minimum sentence of incarceration only. You can be sentenced to the statutory maximum for the crime. The Court does not need to give a reason to sentence you to the statutory maximum. Example: Third-degree felony maximum is 5 years, Second-degree felony maximum is 15 years, and First-degree felony maximum is 30 years. If you

violate your probation/community control again at a future date, you are still subject to these statutory maximums.

6. I understand that if the Court places me back on probation/community control at my sentencing and at a later time the probation/community control is revoked by the Court after either a violation of probation/community control hearing or my admission to the violations, the Court can then sentence me to the maximum penalty for the charge(s), even if there is a plea agreement at this time.

7. I understand and agree that if the Judge permits me to remain at liberty pending sentencing, I must notify my lawyer and bondsman or the Pre-trial Release Officer of any change of my address or telephone number, and if the Judge orders a Pre-Sentence Investigation (PSI) and I willfully fail to appear for an appointment with the Probation Officer for the PSI interview, the Judge can revoke my release and place me in jail until the PSI interview has been completed or until my sentencing.

8. My education consists of the following: \_\_\_\_\_  
I am not under the influence of any drug, medication or alcohol at the time I sign this plea. I am not suffering from any mental problems at this time, which affect my understanding of this plea.

9. I have read every word in this written plea. I have discussed this written plea with my lawyer and I fully understand everything contained in this plea. I have discussed the maximum penalties for my plea and the Sentencing Guidelines with my lawyer and I fully understand them. I have told my lawyer everything I know about these charges. I am fully satisfied with the way my lawyer has handled my case for me.

10. The following are additional conditions for this plea:

\_\_\_\_\_  
\_\_\_\_\_

SWORN TO, SIGNED AND FILED in open Court in the presence of the defense counsel and the Judge this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant

Roger Eaton  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

CERTIFICATE OF DEFENDANT'S ATTORNEY

I, Defendant Counsel of Record, certify that; I have discussed this case with the Defendant, including the nature of the charge(s), essential elements of each, the evidence against him/her of which I am aware, the possible defenses he/she has, the maximum penalty of the charge(s) and his/her right to appeal. No promises have been made to the Defendant other than as set forth in this plea or on the record. I believe he/she fully understands this written plea, the consequences of entering it, and the Defendant does so of his/her own free will. I have reviewed the Discovery in this case and have discussed the evidence in this case with the Defendant. I believe this plea is in my client's best interest.

\_\_\_\_\_  
\_\_\_\_\_  
Florida Bar No. \_\_\_\_\_  
Counsel for the Defendant

CERTIFICATE OF PROSECUTOR

I, confirm that the recommendations set forth in paragraph 6(a) have been made. This recommendation has been made on the express condition that the Defendant has truthfully and accurately disclosed his/her prior criminal history.

\_\_\_\_\_  
\_\_\_\_\_  
Assistant State Attorney  
Florida Bar No. \_\_\_\_\_

THIS PLEA is entered by the Defendant and accepted by the undersigned this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge of the Circuit Court