

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 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 the Judge;
- (ii) to see and hear the witnesses testify, and to have my lawyer question them for me;
- (iii) to subpoena & present witnesses & items of evidence in my defense, & to present any defense I might have to the Judge;
- (iv) to testify or to 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 prosecutor to prove my guilt by admissible evidence to the satisfaction of the Judge's conscience before I can be found guilty of violating my probation/community control by the Judge.

b. that I give up the 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 admission (s).

d. that the Judge can either put me back on probation/community control with the same or new conditions or the Judge can revoke my probation/community control and sentence me up to the maximum penalty for the charge(s) listed above.

e. I have read the violation affidavit in my case and I understand the violation(s) to which I am admitting. My lawyer has explained any possible defenses to the violation(s) to me.

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 open court:

a. () No promises have been made by my lawyer of anyone else.

b. () The prosecutor has agreed to _____

c. () The Judge has agreed to _____

4. I understand that if I am on probation/community control for a felony and my admission is accepted by the Judge, the Judge will then 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 the departure. The Judge can go above this next higher cell of the guideline range and 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 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 and that the Judge can sentence me up to the maximum for each misdemeanor count listed above.

5. I understand and agree that if the Judge permits me to stay out of jail pending sentencing I must notify my lawyer and bondsman or pre-trial release officer of any change in my address or phone 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 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 has pressured or forced me to enter an admission and I am entering my admission voluntarily of my own free will and because

() I believe that I am guilty. () I believe it is in my best interest.
8. I have read every word in this written admission. I have discussed this written admission with my lawyer and 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 handled my violation case for me and have no complaints.
9. I understand, and my attorney has explained to me that if I am not a United States Citizen, any admission of violation of probation/community control subjects me to deportation according to the Laws and Regulations of the United States Immigration and Naturalization Service.

SWORN TO AND FILED in Open Court in the presence of defense counsel and the Judge this

_____ day of _____, 2023.

Kelvin Soto, Esq., Clerk of the Circuit Court
& County Comptroller

By: _____
Deputy Clerk in Attendance

Defendant’s Signature: _____

Address & Phone: _____

Email Address: _____

CERTIFICATE OF DEFENSE COUNSEL

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

Counsel for the Defendant: _____

CERTIFICATE OF PROSCUTOR

() I consent to the conditions admitted to above.

() I confirm the promises in 3(b) have been made.

Assistant State Attorney: _____