IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

_____DATE
_____D.C.

vs.

_____
Defendant.
_____/

CASE NO.: _____
CRIMINAL DIVISION: _____

VIOLATION OF PROBATION/COMMUNITY CONTROL
PETITION TO ENTER A PLEA OF ADMISSION
(The Defendant must initial each paragraph that pertains to him/her and indicate not applicable [N/A] to those that do not)

_____ 1. My full name is _____ and I am also known as _____. I am _____ years of age. I have gone to school up to and including _____.

_____ 2. I am represented by an attorney, who is _____. I have told my attorney all the facts and circumstances about the charges against me, motions I believe should be filed, defenses I believe I may have and witnesses I believe I may have (including alibi witnesses). My attorney and I have discussed the allegations and charges against me, the evidence in this case, including depositions, witnesses disclosed by the State, arrest reports and motions that may be filed on my behalf. My attorney and I have discussed the physical evidence in this case and whether any DNA associated with that physical evidence could exonerate me. I am satisfied that my attorney has sufficiently explained the State's case against me, as well as any defenses that I may have against the State's case against me. I understand that by entering this plea, I waive (give up) those issues and defenses. I am fully satisfied with my attorney's representation in these matters and I have no concerns about the adequacy of my attorney's investigation and preparation of my case.

(Initial the paragraph that applies.)

a. _____ I believe that my attorney is fully informed on all such matters. S/he has properly investigated all witnesses (including alibi witnesses), facts of this case, defenses available to me, and motions appropriate to file on my behalf.

b. _____ Because I wish to accept the State's plea offer, at my request and with my agreement, my attorney has not fully investigated my case nor talked to all of the witnesses.

_____ 3. I am pleading guilty/nolo contendere and admitting all of the allegations contained in the Violation of Probation/Community Control Report(s) identified below except _____
_____
_____
_____:

CASE NUMBER	COUNT	CRIME	VOP/CC ALLEGATIONS (specify by VOP/CC report date)

_____ 4. I understand that I have the right to deny any and all allegations against me or, if I have entered a denial of the allegations, to persist in that denial and proceed to a hearing before the Judge. If I elect to proceed to a hearing, I understand that the hearing will be conducted by a Judge (and not before a jury), and at that hearing 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, and the right not to be compelled to incriminate myself. I have the right to take the witness stand at my sole option, and if I do not take the witness stand, I understand that this may not be held against me. **I understand that by admitting the violations of probation/community control, I waive and give up my rights as listed in this paragraph and that there will be no hearing.** I further understand that if I admit to the allegations of violation of probation/community control, the Judge may ask me questions about the allegations to which I have admitted. I am not required to answer those questions and if I decline to answer those questions, my refusal may not be used against me by the Judge or anyone else. If I answer those questions under oath, on the record, and in the presence of counsel, the answers may later be used against me in a prosecution for perjury.

_____ 5. I understand that if I admit the allegations of violation of probation/community control, I give up my right to a direct appeal. I further understand, however, that I do not give up my right to appellate review by collateral attack as that term has been explained to me by my attorney.

_____ 6. I have been advised that the statutory maximum possible sentence for the charge(s) to which I am pleading is _____ years imprisonment and/or a fine of $_____.

_____ a. The mandatory minimum penalty is _____.

_____ b. The Court cannot withhold adjudication of guilt.

_____ c. The Court cannot place me on probation.

_____ 7. I am presently on probation/community control in other case(s) unconnected to this case(s). I understand that by admitting the violations of probation/community control in this case, it may cause revocation of my probation/community control in the other case(s) and that this could result in a sentence of imprisonment in that case. I further understand that if revoked, any sentence in this case may be consecutive to (in addition to) any sentence in any other case in which I am on probation/community control.

_____ 8. I believe that I am competent to enter this plea. My physical and mental health are presently satisfactory. The exceptions are: _____
_____
_____.

_____ 9. At this time I am taking the following medications: _____
_____
I am not under the influence of any drugs or intoxicants **to the extent that my normal faculties are impaired**.

_____ 10. My attorney has advised me of considerations bearing on the choice of which plea to enter, and the advantages and disadvantages of such plea, and the likely results thereof, as well as possible alternatives available to me. The PLEA AGREEMENT contained on Page 5 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 plea agreement. **I BELIEVE THAT MY ATTORNEY 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 attorney, the decision to plead guilty/nolo contendere is mine alone and is made by me after considering the advice and counsel of my attorney.

_____ 11. I am entering this plea freely, knowingly, intelligently and voluntarily because I believe it to be in my best interest to do so. (Initial the paragraph that applies.)

_____ a. I admit that I am guilty of the allegations to which I am admitting.

_____ b. I believe that the plea is in my best interest even though I say that I am innocent of the allegations.

_____ c. I believe that the plea is in my best interest even though I neither admit nor deny that I am guilty of the allegations.

_____ 12. I understand that I will be required to pay statutorily mandated costs that will be assessed against me and in some cases mandatory fines, and that the Court may assess additional discretionary costs, fines and restitution. I have no objection to the costs, fines and restitution, which have been fully disclosed to me by my attorney and are set forth in the Notice of Financial Obligations. A copy of the Notice of Financial Obligations can be obtained at **www.circuit8.org**.

_____ 13. My attorney has advised me that at hearing the prosecution could present evidence to establish the facts set forth in the Violation of Probation/Community Control Report(s) and I agree that the Court may rely upon documents in the court's file, including the Violation of Probation/Community Control Report(s), for a factual basis for this plea.

_____ 14. **IMMIGRATION WARNING**: I understand that if I am not a citizen of the United States, this plea may result in my detention and deportation/removal from the United States and/or stop me from being able to legally enter or re-enter the United States. I further understand that I have the right to seek individualized advice from my attorney about the effect this plea will have on my immigration status. Initial the applicable paragraph:

_____ a. My attorney has advised me that I am pleading to a presumptively mandatory deportable offense. I fully understand the immigration consequences of pleading to a presumptively mandatory deportable offense. In some cases, detention and removal will be required.

_____ b. My attorney has advised me that I am **not** pleading to a presumptively mandatory deportable offense. I fully understand that this plea may still subject me to removal proceedings and/or exclusion from the United States. In some cases, detention and removal will be required.

_____ c. My attorney has not provided me with any individualized advice about the immigration consequences of my plea.

_____ 15. **JIMMY RYCE WARNING:** My attorney has advised me that if I am now pleading to a sexually violent offense or if I have previously been convicted of a sexually violent offense as that term is defined in Section 394.912(9), Florida Statutes, my plea 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 to a secure treatment facility, for an indefinite period of time, 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.

_____ 16. I have read and understand that the information contained in Attachment(s) _____, attached hereto and incorporated herein, pertaining to _____

_____

_____ applies to me and my case(s).

_____ 17. This document has been translated into _____ for the Defendant by _____ on _____, 20_____.

_____ 18. The State and the Defendant stipulate and agree that the Defendant is entitled to credit for time I have already served in this/these case(s) as follows: _____. I agree that if the Judge gives me credit for time served as stipulated, and if the Department of Corrections likewise gives me credit for time served as stipulated, I waive/give up the right to complain or appeal concerning credit for time served.

_____ 19. Unless otherwise agreed to in the PLEA AGREEMENT below, I recognize that if I have been told by my attorney that I might receive probation or a light sentence, this is merely his/her opinion or estimate and is not binding on the Judge. I further understand that if I am sentenced to incarceration in the county jail or state prison, that I cannot rely upon anyone's, **including my attorney's**, estimation of how much time I will actually serve as a result of my plea. I understand that credit for gain time, past or future, will be determined by the Department of Corrections, and that the Judge in this case has no control over

that determination. Other than the terms of the PLEA AGREEMENT below, if any, 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 plea, nor has anyone subjected me to any force, threat, duress, intimidation or pressure to influence me in any way to enter this plea.

PLEA AGREEMENT

_____ The Defendant and the State, pursuant to the provisions of Fla.R.Crim.P. 3.171, agree as follows (NO ABBREVIATIONS):

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM THAT I HAVE READ AND UNDERSTAND THIS ENTIRE DOCUMENT. THE INFORMATION IN EACH PARAGRAPH INITIALED BY ME IS TRUE. THE INFORMATION IN THE PARAGRAPHS NOT INITIALED BY ME DOES NOT APPLY TO ME OR MY CASE.

Signed and dated this _____ day of _____, 20___.

_____
Defendant

Signed by me this _____ day of _____, 20___.

_____
Defense Attorney

Signed by me this _____ day of _____, 20___.

_____
Prosecuting Attorney

CERTIFICATE OF COUNSEL

The undersigned attorney for the Defendant certifies as follows:

20. To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in this petition are voluntary and in all respects accurate and true. S/he fully understands them.

21. I have read and explained to the Defendant the allegations contained in the Violation of Probation/Community Control Report(s) specified in Paragraph 3 hereof. I have discussed with the Defendant the facts and circumstances about the allegations of violation of probation/community control. I have explained to the Defendant the possible penalties to which s/he may be subjected as a result of this plea. (Initial the paragraph that applies.)

_____ a. I believe the defendant and I are fully informed on all such matters. I have fully investigated this case and all witnesses for and against the defendant (including alibi witnesses if any were revealed to me). I have discussed with the Defendant the defenses available to him/her and motions that might be filed on the Defendant's behalf.

_____ b. Because the Defendant wishes to accept the State's plea offer, with the Defendant's agreement, I have not fully investigated his/her case or talked to all of the witnesses.

22. The plea entered by the Defendant is in accord with my understanding of the facts, the law and possible defenses. If the Defendant is to receive a sentence of incarceration, I have not promised the Defendant that s/he will serve a specific length of time incarcerated. I have made no promises to the Defendant that are not set forth in this agreement to induce him/her to enter this plea, nor have I threatened, coerced or intimidated the Defendant in any way to induce him/her to enter this plea.

23. Having discussed this matter fully with the Defendant, it is my opinion that s/he is mentally and physically competent, and there is no mental or physical condition which would affect his/her understanding of these proceedings. I have no reason to believe that s/he is under the influence of drugs or alcohol at this time. The exceptions to this are listed in Paragraph 8.

24. I have explained to the defendant that if s/he is not a citizen of the United States, this plea may result in his/her detention and deportation/removal from the United States and/or stop him/her from being able to legally enter or re-enter the United States. I have further advised the defendant that s/he has the right to seek individualized advice from me about the effect this plea will have on his/her immigration status prior to entering the plea. Initial the applicable paragraph:

_____ a. I have provided the defendant with **individualized** advice regarding his/her immigration status.

_____ b. I have **not** provided the defendant with individualized advice regarding his/her immigration status

25. I have explained to the Defendant the difference between a direct appeal and a collateral attack upon his/her conviction. I have advised the Defendant that if s/he is now pleading to a sexually violent offense or if s/he has previously been convicted of a sexually violent offense as that term is defined in Section 394.912(9), Florida Statutes, s/he may be subject to the provisions of the Jimmy Ryce Civil Commitment Act, Section 394.910, et. seq., Florida Statutes, which allows the State to commit to a secure treatment facility 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.

Signed by me this _____ day of _____, 20___.

_____
Defendant's Attorney

ORDER ACCEPTING PLEA

Based upon the sworn testimony of the Defendant in open court, based upon my review of the court file(s), and based upon the dialogue between the Defendant, the Defendant's attorney, the Prosecuting Attorney, and the Judge, I find that the above plea was freely, knowingly, intelligently and voluntarily entered by the Defendant; I find that there is a factual basis to support the plea; and, I find that the Defendant was represented by a competent attorney with whom the Defendant says s/he is satisfied.

In addition to documents in the court file(s), I have relied upon the following information for a factual basis: _____

_____.

IT IS ORDERED AND ADJUDGED that the Defendant's plea be

( ) accepted

( ) rejected

( ) accepted conditionally: _____

_____

_____

DONE AND ORDERED in open Court this _____ day of _____, 20____.

_____
Circuit Judge