

IN THE CIRCUIT COURT OF
THE EIGHTEENTH JUDICIAL
CIRCUIT IN AND FOR
SEMINOLE COUNTY, FLORIDA

ADMINISTRATIVE ORDER
NO. :
92-13-CR
(Supersedes 90-48-Ci-S)

IN RE: VIOLATION OF PROBATION OR COMMUNITY CONTROL AND
MODIFICATIONS OF PROBATION AND COMMUNITY CONTROL

1. The following procedure shall govern violations of probation or community control when a judge determines that the defendant should be given an opportunity to appear without arrest on a warrant:

A. Application:

The provisions of this order may apply when there is reason to believe that the defendant has violated a condition of probation or community control other than (1) absconding, (2) committing a violent misdemeanor offense, or (3) committing a felony offense and where the defendant poses no danger or threat to the safety or property of others.

B. Duty of Department of Corrections:

(1) Violation reports accompanying an affidavit and warrant for violations of probation or community control shall contain a recommendation as to whether or not the defendant should be given an opportunity to appear without arrest and shall contain the defendant's current mailing address. If the alleged violations do not include (1) absconding, (2) committing a violent misdemeanor offense or (3) committing a felony offense and where the defendant poses no danger or threat to the safety or

property of others it shall be presumed that the defendant should be given an opportunity to appear without arrest unless reasons are clearly stated which show that the defendant is unlikely to appear.

(2) The supervising officer shall notify the defendant of any hearings scheduled pursuant to this order.

2. The following procedure shall govern modifications when there has been no violation of probation or community control but the supervising officer has reason to believe that there will be a future violation if a modification is not considered by the court.

A. Duty of the Department of Corrections

The supervising officer shall submit a violation report without an accompanying warrant. The report shall contain a brief statement of the history of supervision of the defendant including the reason or reasons why the order under consideration should be reviewed. It shall also contain specific recommendations which will allow the defendant to continue under supervision, such as admonishment, deletion of costs, weekends in county jail, or completion of the program at the Probation and Restitution Center.

B. The supervising officer shall notify the defendant of the time, place and location of any hearings scheduled pursuant to this order.

3. Duty of the Clerk:

In the event that the court issues an order requiring the defendant to appear, the clerk shall take the following action:

A. determine which judge is assigned to the case;

- B. schedule the matter for a hearing on a violation of probation docket at least thirty days in advance of the date of the order;
 - C. enter the date, time, and place of the hearing on the order, file the original in the court file and mail a copy to the defendant at the address shown on the order;
 - D. if there is an original warrant, file it on the left of the court file so it may be signed and issued if the defendant fails to appear at the hearing;
 - E. immediately notify the judge assigned to the case if the order is returned undelivered.
5. Form of Order to Appear:
Attached hereto are forms which may be used to notify defendants and other interested parties of hearings scheduled pursuant to this order.
6. This order supersedes Administrative Order No. 90-48-Ci-S (In Re: Admonishments and Modifications of Probation Orders).

ORDERED at Melbourne, Brevard County, Florida, this 28th day of January, 1992.

John Antoon II
John Antoon II,
Chief Judge
Eighteenth Judicial
Circuit

Attachments

Distribution:

Seminole County Circuit Judges
Sheriff of Seminole County
Jan Curts, Sr. Circuit Administrator, Probation & Parole
Services

State Attorney
Public Defender
Clerk of Court - Seminole County
William G. Deitz, Court Administrator
Edna Johnson, Senior Deputy Court Administrator

Recorded:
Seminole County 2-7-92 OR Book 2387 Page 1259-1264

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO.

STATE OF FLORIDA
Plaintiff,

vs.

_____ /

Defendant.

_____ /

ORDER TO APPEAR
VIOLATION OF PROBATION OR COMMUNITY CONTROL

TO: _____

A sworn statement has been filed with the court charging that you _____, have violated one or more conditions of your probation. A copy of the statement is attached.

The Court has determined that it is unnecessary to issue a warrant for your arrest at this time. Accordingly, you are being given an opportunity to appear to answer the charge or charges in the statement without being taken into custody.

IT IS ADJUDGED:

You must appear in person to answer the charge or charges pending accusing you for violation of probation or community control on _____, 1992, at _____

m. in Courtroom J1, at the John E. Polk Correctional Facility, 211 Bush Boulevard, Sanford, Florida.

IF YOU FAIL TO APPEAR YOU WILL BE TAKEN INTO CUSTODY. ORDERED at Sanford, Seminole County, Florida, this

—

day of _____, 1992.

CIRCUIT JUDGE

Copies furnished to:
Office of the State Attorney
Probation & Parole Services

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA

CASE NO.

STATE OF FLORIDA,

Plaintiff,

vs.

_____,'

Defendant.

_____ /

ORDER TO APPEAR
(MODIFICATION OF VIOLATION OF
PROBATION OR COMMUNITY CONTROL)

TO: _____

A report has been filed with the court which sets forth one or more reasons why the order of probation or community control previously entered herein should be modified for the purpose of preventing a future violation and allowing you to remain under supervision. Accordingly, upon motion of the court

IT IS ADJUDGED:

You must appear in person to answer to the report requesting modification of your probation or community control on _____, 1992, at _____ m., in Courtroom J1, at the John E. Polk Correctional Facility, 211 Bush Boulevard, Sanford, Florida.

IF YOU FAIL TO APPEAR YOU MAY BE IN VIOLATION OF CONDITION 8 OF YOUR PROBATION/COMMUNITY CONTROL ORDER.

ORDERED at Sanford, Seminole County, Florida, this _____ day of _____, 1992.

CIRCUIT JUDGE

Copies furnished to:
Office of the State Attorney
Probation and Parole Services