

Research Guide

MODIFICATION OR EARLY TERMINATION OF PROBATION OR COMMUNITY CONTROL

Although this matter is related to a criminal case, in most circumstances the Public Defender's Office cannot represent the Defendant **unless** the Trial Judge appoints them to do so.

The Defendant will need to complete the following:

1. A Motion to Modify or Terminate Probation or Community Control
2. A Notice of Hearing which notifies the State and the Probation or Community Control Officer about the hearing
3. An Order for the Judge to sign

Sample blank copies of generic versions of these forms may be obtained on the VCLL Patron Access computers in the Law Library.

The Defendant will need to complete all of the documents as follows:

1. Fill in the Defendant's name, case number, and division on all three (3) of the documents (The Motion, Notice of Hearing, and Order).
2. Fill in the blanks in the Motion, Notice of Hearing, and Order.
3. Contact the Judge's judicial assistant in order to get a hearing date on your motion.
4. Once the Defendant has a hearing date, fill it in on the 'Notice of Hearing'
5. The Defendant must sign the Motion and Notice (**do not sign the Order**);
6. Once the documents are completed, the Defendant must:
 - a. File the **ORIGINAL** Motion, Order and Notice with the Clerk's office
 - b. Send a **COPY** of the Motion and Notice to the State Attorney's office
 - c. Send a **COPY** of the Motion and Notice to Defendant's Probation/Community Control Officer
7. When the Defendant appears at the hearing, he/she should bring any documents that verify the conditions claimed to have been completed.
8. The Defendant should be sure to keep copies of all documents for their records and BE ON TIME and appropriately dressed for the hearing.

VCLL Resources:

The following are just a few of the resources available on this subject; please feel free to browse the shelves or ask a Librarian for assistance:

1. Chapter 948.04(3), Florida Statutes
2. Florida Criminal Rules of Court, Rule 3.800
3. Florida Criminal Trial Practice Forms, Harrison (Shippy), Chapter 20
Section(s) 20-21, 20-22 & 20-23
4. VCLL Patron Desktop – generic Modification of Probation self-help
packet

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the nearest branch of the Volusia County Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE. Remember: Court and Clerk Filing & Service fees vary. Check with the Clerk of the Court for exact fees and court costs.