

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA
CASE NO. 12-008549CF10A
JUDGE McCARTHY

STATE OF FLORIDA,

vs

ADAM DOBRIN,

Defendant.

COPY

CHANGE OF PLEA
BEFORE THE HONORABLE
BARBARA McCARTHY

Thursday, December 20, 2012
BROWARD COUNTY COURTHOUSE, COURTROOM 5750
FORT LAUDERDALE, FLORIDA 33301

APPEARANCES

ON BEHALF OF THE STATE OF FLORIDA:

MICHAEL J. SATZ, STATE ATTORNEY
BY: ROSS WEINER,
Assistant State Attorney

ON BEHALF OF THE DEFENDANT:

LAW OFFICE OF JOHN COTRONE, P.A.
BY: JOHN COTRONE, ESQ.

Date
12/20/12

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WITNESS DIRECT CROSS REDIRECT RECROSS
ON BEHALF OF THE STATE OF FLORIDA

NONE

WITNESS DIRECT CROSS REDIRECT RECROSS
ON BEHALF OF THE DEFENDANT

ADAM DOBRIN

(By The Court)	5	--	--	--
(By Mr. J. Cotrone)	--	--	--	--
(By Mr. J. Klein)	--	--	--	--
(By Mr. R. Weiner)	--	--	--	--

STATE EXHIBITS
NONE

EVIDENCE
--

DEFENSE EXHIBITS
NONE

EVIDENCE
--

4 THE COURT: Mr. Cotrone, come on up. What's
5 your case?

6 MR. J. COTRONE: John Cotrone, my case is Adam
7 Dobrin.

8 THE COURT: Page nine.

9 MR. J. COTRONE: I spoke with the State. To
10 make a long story short, what happened was
11 Mr. Dobrin is in front you on a controlled substance
12 case. Subsequent to that, he was arrested for a
13 domestic violence case.

14 Present is his father, who's present in this
15 courtroom. That case caused Judge Hurley to revoke
16 Mr. Dobrin's bond before Your Honor.

17 Mr. Dobrin is in front of Judge Richards on the
18 domestic violence case. They declined it. They
19 have not filed.

20 THE COURT: Can I have a score sheet.

21 MR. J. COTRONE: I spoke to the State. The
22 State's in agreement to set bond in the amount of a
23 thousand dollars.

24 MR. R. WEINER: No, I'm not. I didn't say
25 that. I need to look at the P.C. That's why I

1 wanted to look at the P.C.

2 THE COURT: Yes. I need to see the Probable
3 Cause Affidavit on the domestic.

4 MR. R. WEINER: That's what Mr. Lewis is
5 printing out now.

6 MR. J. COTRONE: That case was dropped.

7 THE COURT: Even if it's dropped, I need to see
8 it. It's not filed. The fact that it wasn't filed
9 is not why he was -- bond was revoked. The fact he
10 was arrested his bond was revoked.

11 MR. J. COTRONE: Sure. Subsequent to that they
12 found --

13 THE COURT: I need to see the P.C.,
14 Mr. Cotrone. Let's make it quick.

15 MR. R. WEINER: All right, Your Honor.

16 MR. J. COTRONE: Just so the Court's aware, the
17 father also signed a waiver of prosecution, a
18 recantation of what happened. The State Attorney
19 decided not to go forward, so there's no probable
20 cause.

21 THE COURT: I appreciate that. And, you
22 know -- you know, Mr. Cotrone, that we have victims
23 every day that say it didn't happen, testify it
24 didn't happen. Let me see the P.C. on it. Talk to
25 your client.

4 THE COURT: Ready on that?

5 MR. J. COTRONE: Yes, I'm ready on Mr. Dobrin.

6 THE COURT: What's the State's position?

7 MR. R. WEINER: They declined the battery but
8 did file the resisting without violence. I'm just
9 reading the P.C. right now.

10 THE COURT: Okay. Mr. Cotrone, let me take a
11 look at it. Give me a second. This is what I need
12 to know a little more. Who's he living with now?
13 Let me put him under oath. Mr. Dobrin, state your
14 name for the record.

15 THE DEFENDANT: Adam Dobrin

16 THE COURT: Raise your right hand. Do you
17 swear to tell the truth?

18 | THE DEFENDANT: Yes

19 THE COURT: Mr. Dobrin, where are you living
20 now?

THE DEFENDANT: I'm staying between my wife's
house and parents.

23 THE COURT: Actually, that doesn't sound good
24 for bond.

25 | MR. J. COTRONE: Can we come sidebar real

1 quick?

2 THE COURT: Yes.

3 (Thereupon, counsel for their respective
4 parties and the court reporter approached the bench
5 and the following sidebar conference was had:)

6 MR. J. COTRONE: If we can put this on recall
7 we may actually resolve the case. He's on drug
8 offender probation which, I think, is an appropriate
9 sentence, considering.

10 MR. R. WEINER: As long as there's a condition
11 of anger manager, I have no problem with that.
12 He'll have to do anger management when released.
13 The problem is where will he live.

14 (Thereupon, the sidebar conference was
15 concluded, after which time, other proceedings were
16 had, not pertaining to this cause, after which time
17 the following proceedings were had in open court:)

18 THE COURT: State your name for the record.

19 THE DEFENDANT: Adam Dobrin.

20 THE COURT: Raise your right hand. Do you
21 swear to tell the truth?

22 THE DEFENDANT: Yes.

23 THE COURT: Mr. Dobrin, give me one minute.

24 Okay? Do we have an address settled?

25 MR. J. COTRONE: Yes, he'll be with his family.

1 THE COURT: When you give the address, we can't
2 have you all over the place. That will be a
3 violation. Make sure you give your address. State
4 your name for the record.

5 THE DEFENDANT: Adam Dobrin.

6 THE COURT: Raise your right hand. Do you
7 swear to tell the truth?

8 THE DEFENDANT: Yes.

9 THE COURT: Mr. Dobrin, how old are you?

10 THE DEFENDANT: Thirty-two.

11 THE COURT: Is there something wrong?

12 MR. J. COTRONE: You need to speak up a little.

13 THE COURT: How far have you gone in school?

14 THE DEFENDANT: Some college.

15 THE COURT: What did you study in college?

16 THE DEFENDANT: Computer sentence.

17 THE COURT: And have you ever been diagnosed
18 with a mental illness, sir?

19 THE DEFENDANT: No.

20 THE COURT: Taking any medication?

21 THE DEFENDANT: No.

22 THE COURT: Under the influence of any drugs,
23 alcohol or prescription medication?

24 THE DEFENDANT: No.

25 THE COURT: Okay. Do you want to enter into

1 this plea today?

2 THE DEFENDANT: Yes.

3 THE COURT: Does he want to do this?

4 MR. J. COTRONE: Yes, Judge.

5 THE COURT: Seems like there's a problem.

6 MR. J. COTRONE: No, he's just -- speak up.

7 THE COURT: If he doesn't want to do it, and
8 he's angry and upset, this is not the day to enter
9 into the plea.

10 MR. J. COTRONE: This is what you want to do?

11 THE DEFENDANT: Yes.

12 MR. J. COTRONE: You want to enter into a no
13 contest plea?

14 THE COURT: I'm feeling there's an attitude and
15 resistance. Do you want to enter into this?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Have you ever been diagnosed with a
18 mental illness?

19 THE DEFENDANT: No, I've not.

20 THE COURT: And are you taking any medication
21 today?

22 THE DEFENDANT: Just Tylenol.

23 THE COURT: Are you in pain right now?

24 THE DEFENDANT: No, not significantly.

25 THE COURT: Do you have any physical problems

1 that we need to be aware of?

2 THE DEFENDANT: I have a broken neck from a car
3 accident.

4 THE COURT: So, at times that bothers you?

5 THE DEFENDANT: Uh-huh. Yes.

6 THE COURT: How are you feeling today?

7 THE DEFENDANT: Decent.

8 THE COURT: Okay. Do you feel your mind is
9 clear?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: I know you may not feel the best
12 with your neck, but you feel your mind is clear?

13 THE DEFENDANT: Absolutely.

14 THE COURT: Do you feel you had enough time to
15 talk to Mr. Cotrone?

16 THE DEFENDANT: Yes.

17 THE COURT: And you're satisfied with how he's
18 represented you?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand, sir, that it's
21 possession of PCP?

22 THE DEFENDANT: Yes.

23 THE COURT: Possession of PCP, it's a third
24 degree felony, Mr. Cotrone?

25 MR. J. COTRONE: Yes.

1 THE COURT: Third degree felony. The maximum
2 penalty is five years Florida State Prison, and the
3 bottom of the guidelines is 12.3 months. Do you
4 have any questions about that?

5 THE DEFENDANT: No.

6 THE COURT: Okay. Do you understand on this
7 charge that you're entitled to a jury trial, where
8 the State would have to prove this charge against
9 you beyond a reasonable doubt; are you waiving that
10 right?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that your lawyer
13 could subpoena witnesses on your behalf, you would
14 testify on your behalf or remain silent; are you
15 waiving those rights?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you understand that your
18 lawyer -- well, you could cross examine the State's
19 witnesses, you could testify or remain silent or
20 subpoena witnesses, and are you waiving those
21 rights?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Are you waiving your right
24 the appeal the facts of this case, sir?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. Do you have any questions?

2 THE DEFENDANT: No.

3 THE COURT: Are you a United States Citizen?

4 THE DEFENDANT: I am.

5 THE COURT: Okay. Do you understand if you

6 have any sexually violent priors or sexually

7 motivated priors, this plea could subject you to

8 involuntary civil commitment as a sexual violent

9 predator upon completion of your sentence?

10 THE DEFENDANT: (No response.)

11 THE COURT: Do you have any questions about

12 that?

13 THE DEFENDANT: No.

14 THE COURT: Any DNA to exonerate this

15 gentleman?

16 MR. R. WEINER: No, Your Honor.

17 THE COURT: Mr. Cotrone?

18 MR. J. COTRONE: No, Your Honor.

19 THE COURT: Mr. Dobrin, this is a really new

20 case for your lawyer and for me. Do you

21 understand -- I know you want to resolve this case,

22 because of the holiday -- but do you understand that

23 your lawyer has not really had an opportunity to

24 work up this case; do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. In other words, to have the
2 officers under oath, to see if he needs to file a
3 Motion to Suppress Evidence, if he believes that it
4 shouldn't come, but you still want to go forward?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you want to talk to him for a
7 minute?

8 THE DEFENDANT: I'm fine.

9 THE COURT: How do you plead to possession of
10 PCP?

11 THE DEFENDANT: No contest.

12 THE COURT: The Court finds Mr. Dobrin freely,
13 voluntary and intelligently waives his rights,
14 understands the nature of the charge and
15 consequences of the plea he's entering in. Can you
16 read a factual basis if the State had gone to trial?

17 MR. R. WEINER: Yes, Your Honor. On June 10th,
18 2012, Mr. Dobrin was in a vehicle, driving a vehicle
19 that was stopped for speeding.

20 Once the vehicle was pulled over, he was asked
21 to exit his vehicle. When he put his hands in his
22 pockets, the officer, I believe he believed he was
23 trying to hide something.

24 He said "I have bath salts."

25 When Mr. Dobrin was searched, there were some

1 items that were found on him. And the items were
2 PCP. It was in a bag, which had the -- weighed
3 about one gram. And the chemicals tested as
4 prohibited one narcotic, tested under lab number
5 12-12002.

6 And the State is seeking one-hundred sixty-six
7 dollars and eighty cents in the lab fee.

8 And I do have to make one correction, Your
9 Honor.

10 The score sheet had 44.42, but it's actually
11 44, so it would actually be any non-state.

12 THE COURT: Okay. All right. So, let me make
13 a correction on that.

14 Okay, Mr. Dobrin, the minimum penalty on this
15 is any non-state. The score sheet's been corrected.
16 The maximum penalty is five years Florida State
17 Prison. Mr. Cotrone, do you stipulate to a factual
18 basis?

19 MR. J. COTRONE: No purposes of the plea, yes.

20 THE COURT: Mr. Dobrin, the Court will sentence
21 you -- adjudication?

22 MR. R. WEINER: Yes, Your Honor.

23 THE COURT: -- to an adjudication -- can I talk
24 to you both sidebar?

25 MR. R. WEINER: Yes.

4 THE COURT: I'm just asking you why it's an
5 adjudication versus he only has a DUI -- not that
6 I'm minimizing it.

7 MR. R. WEINER: No, that's fine. The DUI
8 serious bodily injury's a third degree.

9 THE COURT: I didn't see that.

10 MR. R. WEINER: If the Court wants to give him
11 the withhold. Actually, it's really a first
12 withhold and I don't have an issue with that.

13 THE COURT: Here's the issue with him. It
14 takes me awhile. I have to feel people out. He's
15 got the neck issue, and then he's doing this and
16 he's going cuckoo.

17 Do you have any problem -- I am going to give
18 him a withhold. He shouldn't be adjudicated as a
19 felon right now. But this neck issue has been his
20 problem. And I imagine he's in a lot of pain. I
21 can imagine. Mr. Cotrone, when people are in pain,
22 they do crazy stuff.

23 MR. J. COTRONE: Absolutely.

24 THE COURT: I want to talk to him a minute.

It's early in the morning. He's in pain. People

1 are in pain when it's early in the morning. I want
2 no harmful contact with that man. What's his name?

3 MR. R. WEINER: Ivan -- I-V-A-N. Same last
4 name, Dobrin.

5 THE COURT: I have to ask him. Okay.

6 (Thereupon, the sidebar conference was
7 concluded, after which time the following
8 proceedings were had in open court:)

9 THE COURT: How far did you go in school?

10 MR. J. COTRONE: Some college in computer
11 science.

12 THE COURT: Mr. Dobrin, the Court's giving you
13 a withhold adjudication. I know you went a few
14 years in college. Where have you worked?

15 THE DEFENDANT: I work for businesses.

16 THE COURT: Looks like this neck injury has
17 been a major problem. You're probably in pain, but
18 not enough that you can't enter into the plea. But
19 you got to get that under control because you have a
20 pretty clean record before the Court. You don't
21 have any felonies before the Court. If you have
22 broken your neck, and you've taken medication for
23 that, and you're combining it with what you're
24 doing, people get very violent and things happen.
25 People get killed. You need to be getting that

1 under control at a pain management clinic or dealing
2 with that. That's why I was asking you a little bit
3 about you.

4 The Court will withhold adjudication on the
5 possession of PCP. Special condition of your drug
6 offender probation is anger management, twenty-six
7 week. No harmful contact with your dad Ivan Dobrin,
8 and you won't have harmful contact if you're not on
9 PCP and mixing pills.

10 You need to go to a pain management clinic to
11 get that under control, to resolve that. So get
12 that under control.

13 You have thirty days to appeal your sentence.
14 Failure to do so within thirty days waives your
15 right to do so.

16 If you cannot afford an attorney, one will be
17 appointed for you. Is that correct, everything I
18 said, probably?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. Yes. Have a good holiday.

21 MR. R. WEINER: And the one-hundred sixty-six
22 eighty for testing.

23 THE COURT: One-hundred sixty-six dollars and
24 eighty cents in lab fees. Does he want to tell me
25 anything, the father?

1 MR. J. COTRONE: No, his dad is in complete
2 agreement.

3 THE COURT: Thank you.

4 MR. J. COTRONE: Right, dad?

5 MR. IVAN DOBRIN: Yes.

6 THE COURT: Thank you, sir. Do you agree with
7 what's going on?

8 MR. IVAN DOBRIN: Yes.

9 THE COURT: Good luck to you, Mr. Dobrin.

10 MR. J. COTRONE: Thank you very much.

11 MR. R. WEINER: Thank you.

12 (Thereupon, other proceedings were had in open
13 court, not pertaining to this case, after which time
14 the following proceedings were had in open court:)

15 THE COURT: Let's go sidebar on the plea we
16 just took.

17 (Thereupon, counsel for their respective
18 parties and the court reporter approached the bench
19 and the following sidebar conference was had:)

20 THE COURT: On this do you have a problem to
21 only prescribed medication?

22 MR. R. WEINER: Yes.

23 THE COURT: He really should be going to pain
24 management if he broke his neck. How do you want to
25 term it, because I'd like him --

1 MR. R. WEINER: If he's on drug offender
2 probation, he can't -- just defendant shall provide
3 all prescription for any drugs he takes.

4 MR. J. COTRONE: Defendant is only permitted to
5 take prescribed drugs.

6 MR. R. WEINER: That's perfect.

7 THE COURT: We'll just add that. Can you tell
8 him, and then come back over and tell me?

9 MR. J. COTRONE: Yes.

10 THE COURT: Okay.

11 (Thereupon, counsel for the defendant, and the
12 defendant, Mr. Adam Dobrin, conferred, after which
13 time the following proceedings were continued at
14 sidebar:)

15 THE COURT: So what we'll add to his sentence
16 is that he takes only prescribed medication.

17 MR. J. COTRONE: That's fine. He's in
18 agreement with that. And I'll ask if he can travel
19 out of the state for work purposes only?

20 THE COURT: What's his job? What's his job
21 without going into the reason, Mr. Cotrone?

22 MR. J. COTRONE: I'm here to advocate, but I
23 also recognize he's got some issues that he needs to
24 complete anger management and he also needs to get
25 stabilized with his medications.