

# Arrested for Violating Probation

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Probation is a sentence ordered by a judge that allows a convicted person to live in society under the supervision of a probation officer, instead of serving time in jail. Probation is different from parole. Parole is the conditional release of a prison inmate after serving part or all of his or her sentence.

Violating probation is a serious charge with many repercussions. Your probation may be revoked. This is an action taken against a probationer who fails to comply with the terms of the probationary grant. A Palm Beach County prosecutor can use a probation violation against someone who has been charged with a new crime. When a formal probation revocation is filed in conjunction with a new case, a prosecutor has a tremendous advantage to force a plea bargain in favor of the state's terms.

When a probation officer decides to revoke or violate a probation and the person is not in custody, a letter is sent requesting a court hearing. Then a judge will make a final decision regarding the probation status and may revoke the probation and incarcerate the person pending a formal hearing.

A 36-year-old Lake Worth man was arrested on Thursday for picking up a rooster at a post office, Boynton Beach police said-[report by Wayne K. Roustan, Sun Sentinel](#)

Danny Pham violated his probation on charges dating back to February 2009, when he was arrested with at least four others attending a cockfight behind his home on the 9200 block of Palomino Drive, police said. More than 100 birds, including several dead roosters, were confiscated at the time, according to a Palm Beach County Sheriff's Office report.

On Thursday, Boynton Beach Animal Control Officer Liz Roehrich told police that Pham was at the rear loading dock of the Boynton Beach Post Office, picking up a rooster for cockfighting and gambling purposes in violation of his probation, she said.

When police arrived in an unmarked car, they saw a postal employee walk out on the dock and hand Pham a white rectangular box with air holes, labeled "live animal."

Pham signed a postal service document, jumped off the dock with the box and walked toward

his car. When officers intercepted him, Pham allegedly claimed that he did not understand much English, but said that this was "not his chicken." According to police, he said he was "picking it up for a friend" whose name or phone number he couldn't provide.

Roehrich opened the box, found a rooster inside, and Pham was arrested.

Palm Beach County Animal Care & Control Capt. David Walesky remembers the case of Pham's earlier arrest.

"Normally, we have people jumping the fence and running all over the neighborhood because they know it's wrong," Walesky said. "In that case, I don't believe that he recognized that it was illegal. It was just a cultural thing."

Pham accepted a plea deal that included probation and a ban on contact with any animals.

Pham also was ordered to pay restitution for a national Humane Society reward offered to the neighbor who reported the fight, Walesky said.

"This was the first time in our community that someone accepted a reward of \$5,000, I think, for reporting a bloodsport activity," Walesky added.

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In Florida the most common types of Probation Violations are substantive and technical. Substantive violations occur when the Probationer commits a new crime violation. Technical violations occur when the Probationer omits to complete a condition or willfully violates a condition of his probation.

Florida law allows a Probationer to receive the maximum penalty, which the Probationer faced when the original criminal charge was filed.

[The law Office of Andrew D Stine](#) is committed to representing those Probationers who have violated their Probation or are about to be violated by their Probation Officers.

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