

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Erick Ascano v. State of Florida

No. 3D24-2205 · No. No. 3D24-2205 · Decided December 3, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the revocation of Erick Ascano’s probation. The court held that the trial court did not abuse its discretion in finding Ascano’s probation violations willful, despite his claimed schizophrenia, manic-depressive episodes, and interruption in medication, because he presented no expert or corroborating evidence showing that his condition prevented compliance.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	BOKOR, J.; FERNANDEZ, J.; LINDSEY, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 3, 2025
DOCKET	No. 3D24-2205
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Miami-Dade County revoking Ascano's probation.
STANDARD OF REVIEW	Abuse of discretion; the trial court has broad discretion to determine whether a willful and substantial violation of probation was proven by the greater weight of the evidence.
PRECEDENTIAL VALUE	Published
PARTIES	Erick Ascano v. State of Florida

TOPICS

- probation
- criminal procedure
- standard of review
- appellate procedure

PRACTICE AREAS

- Criminal law
- Probation revocation
- Appellate review

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by finding that Ascano's probation violations were willful despite his claim that mental illness and a lapse in medication prevented him from understanding or controlling his conduct.

HOLDINGS

1. The trial court did not abuse its discretion in finding that Ascano willfully violated probation. A conclusory claim of mental illness and being off medication, without evidence showing that the condition prevented compliance with probation or acquisition of replacement medication, was insufficient to establish that the violations were not willful.

KEY QUOTATIONS

“Although “[i]llness, including mental illness, can render a technical violation of probation not substantial or willful because a mental or physical illness can be debilitating to the point that a probationer cannot comply with the terms of probation,”” (at 2)

“The trial court has broad discretion to determine whether there has been a willful and substantial violation of a term of probation and whether such a violation has been demonstrated by the greater weight of the evidence.” (at 3)

FACTUAL BACKGROUND

Ascano left Leon County without notifying his probation officer and committed new law violations in Miami-Dade County, violating substantial conditions of his probation. He asserted that he was schizophrenic, experienced manic-depressive episodes, and had been without medication because his girlfriend discarded it the week before the violations. He presented no expert testimony or corroborating evidence that his condition prevented him from understanding or controlling his actions, or from obtaining replacement medication, although he acknowledged understanding the terms of probation. The trial court found his testimony inconsistent, determined the violations were willful, and revoked probation.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County found that Ascano willfully violated substantial conditions of probation by leaving Leon County without notifying his probation officer and committing new law violations in Miami-Dade County. The court revoked his probation. Ascano appealed, arguing that his schizophrenia, manic-depressive episodes, and lack of medication rendered the violations nonwillful. The Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Copeland v. State, 864 So. 2d 1197, 1199 (Fla. 1st DCA 2004)
- State v. Carter, 835 So. 2d 259, 262 (Fla. 2002)

- Palma v. State, 830 So. 2d 201, 203 (Fla. 5th DCA 2002)
- Chandler v. State, 41 So. 3d 1107, 1109 (Fla. 3d DCA 2010)

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