

STATE OF MICHIGAN 65B DISTRICT COURT	ADVICE OF RIGHTS PROBATION VIOLATION	CASE NO.
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1. You have been brought to court on a charge of violating probation. This form is being given to you prior to your arraignment/hearing and you should read it carefully as it explains your rights.
2. You are entitled to a contested probation violation hearing to be held on the probation violation charge. The hearing is more informal than a trial on the original criminal charge(s); rules of evidence do not apply (except for matters involving privilege); and the probation violation charge must be proven by a preponderance (the greater weight) of evidence. If you plead guilty or are found guilty, the court can sentence you up to the same jail term that applied to your original conviction (usually this means a possible jail term of up to 90/93 days, but it could result in a jail term of up to one year if your original conviction provided for such punishment.)
3. You have the following basic rights:
 - To receive a written notice (copy) of the charge or alleged violation.
 - To plead guilty or not guilty or to stand mute. If you stand mute, a plea of not guilty will be entered for you and a contested hearing will be set by the court.
 - To have the assistance of an attorney. (you can hire any attorney you choose)
 - To have an attorney appointed at public expense if you are indigent (without money or the ability to hire an attorney) and if:
 - a. The original offense was punishable by over 92 days in jail;
 - b. The offense charged required a minimum jail sentence, OR,
 - c. The court determines that it may send you to jail.
 - You may have to repay the expense of a court appointed attorney if you are able to.
4. If you have a contested probation violation hearing, you have the following rights at the hearing:
 - To call witnesses to speak for you at the hearing. You may get an order signed by the court to require witnesses to come to court and testify.
 - To see, hear, and question all witnesses against you at the hearing.
 - To be a witness for yourself or remain silent. If you testify, your testimony will be considered by the court according to the same standards applied to all other witnesses' testimony. If you choose not to testify on your own behalf, no one may comment on your refusal to testify and the court will not presume or infer any evidence of guilty from the exercise of your right.
 - To be presumed innocent until proven guilty by a preponderance (the greater weight) of the evidence.
 - An appeal to circuit court may be taken within 21 days from the date of sentence on a probation violation charge.
5. If you plead guilty and your plea is accepted you will not have a contested hearing of any kind and in addition you will give up the right to an attorney and all of the rights listed in item 4 above.
6. If you decide to plead guilty without an attorney representing you, and your plea is accepted, you will be giving up your right to have an attorney or court-appointed attorney represent you. Also, if you proceed with a hearing without an attorney or court-appointed attorney representing you, you will be giving up your right to have an attorney represent you at the hearing.
7. If you waive your rights and plead guilty to violating your probation you can offer any explanation to the court along with your guilty plea and you can tell the court any other information you want the Judge to know and consider before the court decides on any sentence.
8. You have the right to be released on bond pending a contested probation violation hearing.
9. If you have read and understand your rights, please sign this form and return for inclusion in your file.

Defendant Signature _____ **Date** _____

Defendant name printed _____ **telephone number** _____

Address _____ **City** _____ **Zip** _____

Please indicate how you wish to plead: _____ **guilty** _____ **guilty w/ explanation** _____ **not guilty**