

STATE OF MICHIGAN
HILLSDALE COUNTY 2B DISTRICT COURT
49 N. Howell St., Hillsdale, MI 49242 (517) 437-7329

ADVICE OF RIGHTS—PROBATION VIOLATION

1. If you require special accommodations to use the court because of disabilities or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.
2. You have been brought to court on a charge of violating probation. You should read this form carefully as it explains your rights.
3. 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.
4. You have the following basic rights:
 - a. To receive a written notice (copy) of the charge or alleged violation.
 - b. 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.
 - c. To have the assistance of an attorney. (You can hire any attorney you choose.)
 - d. To have an attorney appointed at public expense if you want one and are financially unable to retain one.
 - e. You may have to repay the expense of a court appointed attorney if you are able to.
5. If you have a contested probation violation hearing, you have the following rights at the hearing:
 - a. To have the evidence against you disclosed to you.
 - b. To be present at the hearing, to present evidence, and to examine and cross-examine witnesses.
 - c. 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.

- d. To be presumed innocent until proven guilty by a preponderance (the greater weight) of the evidence.
- 6. At the hearing, the Court must make a factual determination as to whether you are in fact guilty of violating probation, and a discretionary determination as to whether the violation warrants revocation.
- 7. If you plead guilty and your plea is accepted you will not have a contested hearing of any kind.
- 8. 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's assistance at the hearing and at all subsequent court proceedings, and to have the court appoint an attorney at public expense if you want one and are financially unable to retain one.
- 9. 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.
- 10. If you are sentenced to incarceration, you have a right to appeal if the underlying conviction occurred as a result of a trial; or if the underlying conviction was the result of a plea of guilty or nolo contendere, you are entitled to file an application for leave to appeal.
- 11. If your sentence does not involve incarceration, you are entitled to file an application for leave to appeal.

Date: _____

Defendant Signature

Defendant Name

Address

City, State, Zip

Telephone No.