

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>PROBATION VIOLATION ARRAIGNMENT ADVICE OF RIGHTS</b>	<b>CASE NO. and JUDGE</b>
---	---	---------------------------

Court address

Court telephone no.

1. You are accused of violating one or more of your probation conditions. You have the following basic rights:
  - a. To receive written notice of the alleged probation violation(s).
  - b. To plead guilty or not guilty or to stand mute. If you stand mute, a plea of not guilty will be entered.
  - c. To contest the charge(s) at a hearing.
  - d. To a lawyer's assistance at the hearing and at all subsequent court proceedings.
  
2. At the arraignment, the court must inform you whether the alleged violation is charged as a technical or non-technical violation of probation, and the maximum possible jail or prison sentence. A "technical probation violation" means any violation of the terms of a probation order, including missing or failing a drug test, excluding the following:
  - a. A violation of an order of the court requiring that a probationer have no contact with a named individual.
  - b. A violation of a law of this state, a political subdivision of this state, another state, or the United States or of tribal law, whether or not a new criminal offense is charged.
  - c. The consumption of alcohol by a probationer who is on probation for a felony violation of MCL 257.625.
  - d. Absconding, defined as the intentional failure of a probationer to report to his or her supervising agent or to advise his or her supervising agent of his or her whereabouts for a continuous period of not less than 60 days.
  
3. You have the right to a lawyer appointed at public expense if you want a lawyer and you are financially unable to retain one. The appointing authority will decide if you are indigent and appoint a lawyer if you are eligible. If you are able to pay part of the cost of a lawyer, the court may require you to contribute to the cost of providing a lawyer and may establish a plan for collecting the contribution. You may contest your ability to pay the ordered fees if the court attempts to collect any costs for a lawyer, and the court must determine your ability to pay at that time.
  
4. If you plead guilty and your plea is accepted, you will give up the right to a contested hearing and a lawyer's assistance at the hearing.
  
5. The court must set a reasonably prompt hearing date or postpone the hearing. If a probationer is being held in custody for an alleged probation violation, the probation violation hearing must be held within the permissible jail sentence for the probation violation, but in no event longer than 14 days after the arrest or the court must order the probationer released from that custody pending the hearing. If the alleged violation is based on a criminal offense that is a basis for a separate criminal prosecution, the court may postpone the hearing for the outcome of that prosecution.
  
6. At a contested violation hearing:
  - a. The evidence against you must be disclosed to you.
  - b. You have the right to be present at the hearing, to present evidence, and to examine and cross-examine witnesses.
  - c. The court may consider only evidence that is relevant to the violation alleged, but it need not apply the rules of evidence except those pertaining to privileges.
  - d. The prosecuting attorney's burden of proving a violation is by a preponderance of the evidence.
  
7. If the court finds that you have violated a condition of probation, or if you plead guilty or no contest to a violation, the court may continue probation, modify the conditions of probation, extend the probation period, or revoke probation and impose a sentence of incarceration pursuant to law.

**(Continued on next page.)**

8. Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment, except when the court allows otherwise, for good cause shown. If you are not able to pay due to financial hardship, contact the court immediately to request a payment alternative. MCR 6.425(D)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant signature

\_\_\_\_\_  
Defendant name (type or print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, zip

\_\_\_\_\_  
Telephone no.

**Note:** If you require 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.