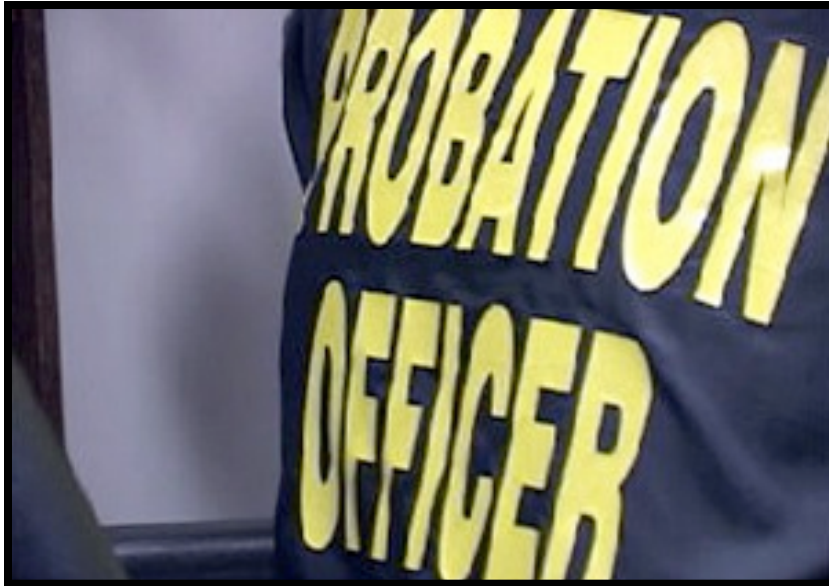


The Probation Violation 411

Probation Violation Admissions or Findings May Have a Serious Impact on Your Life

Know Your Rights



IO P.V. Facts

1. A speeding ticket may turn into a prison sentence
2. Probation is accepting the Judge's conditions rather than serving the entire jail/prison sentence
3. A probation term may last for 3-5 years
4. Terms of probation may include a class, fines, community service, staying clean and sober, etc.
5. If the Judge believes that a condition has been violated, a warrant is issued
6. The warrant may be served on the probationer and an arrest made
7. The probationer may also receive a letter and walk into Court to face the violation
8. If the probationer violated probation by an arrest on a new charge, they will also be arrested on the violation
9. The probationer has the right to a hearing
10. If the Judge finds that the probationer has violated a term of probation, a range of sentences may be imposed

MISDEMEANOR PROBATION VIOLATIONS

Misdemeanor probation may include a class, fines, community service, jail and obey all laws. If an allegation of violating one of these conditions occurs, the probationer may face the maximum jail sentence (6 months to 1 year). The accused has the right to remain silent, the right to an attorney, the right to a hearing where witnesses may be subpoenaed and the right to see the evidence against them. If one is innocent of the accusation, they should request a hearing or negotiate for a dismissal. If the allegation is true, mitigating factors are an important negotiation tool.

FELONY PROBATION VIOLATIONS

Felony probation is serious. A violation may impose a prison sentence, and in some instances, the sentence was determined at the time of the original sentence. "Obey all probation terms or you will be sentenced to 3 years prison." A probationer has the same rights to a hearing as in a misdemeanor case, but the consequences are drastic. An attorney is almost always necessary in order to conduct the hearing; or to negotiate the case so the probationer will receive a minimum sentence or receive another chance at completing the probation conditions.