

# Probation Violation Arraignment Checklist

- Ensure that the probationer receives written notice of the alleged probation violation. [MCR 6.445\(B\)\(1\)](#); [MCL 771.4\(4\)](#).
- Inform the probationer whether the alleged violation is charged as a technical or non-technical violation of probation. [MCR 6.445\(B\)\(2\)](#).
- Inform the probationer of the maximum possible jail or prison sentence. [MCR 6.445\(B\)\(2\)](#).
- Advise the probationer that he/she has a right to contest the charge at a hearing. [MCR 6.445\(B\)\(3\)\(a\)](#); [MCL 771.4\(4\)](#).
- Advise the probationer that he/she is entitled to a lawyer's assistance at the hearing and at all court proceedings, including the arraignment on the violation/bond hearing, and that a lawyer will be appointed at public expense if he/she wants one and is financially unable to retain one. [MCR 6.445\(B\)\(3\)\(b\)](#).
- If requested and appropriate, refer the matter to the local indigent criminal defense system's appointing authority for appointment of a lawyer. [MCR 6.445\(B\)\(4\)](#).
- Determine what form of release, if any, is appropriate. [MCR 6.445\(B\)\(5\)](#).
- Ask probationer how he/she pleads:
  - stands mute.
  - not guilty.
  - no contest.
  - guilty.

- If the probationer wishes to stand mute or plead not guilty, set a reasonably prompt hearing date or postpone the hearing, subject to [MCR 6.445\(C\)](#). [MCR 6.445\(B\)\(6\)](#).
  - The hearing of a probationer being held in custody for an alleged probation violation 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 probationer must be ordered to be released from that custody pending the hearing. [MCR 6.445\(C\)](#).
  - If the alleged probation violation is based on a criminal offense that is a basis for a separate criminal prosecution, the hearing may be postponed for the outcome of that prosecution. [MCR 6.445\(C\)](#).
  - Proceed to the Michigan Judicial Institute's [Probation Violation Contested Hearing Checklist](#).
- If the probationer wishes to plead no contest or guilty, proceed to the Michigan Judicial Institute's [Probation Violation Guilty Plea Checklist](#).