

# Probation Violation Guilty Plea Checklist

- Before accepting a guilty plea, speak directly to the probationer and receive the probationer's response as follows:
  - advise the probationer that by pleading guilty he/she is giving up the right to a contested hearing and, if the probationer is proceeding without legal representation, the right to a lawyer's assistance as set out in [MCR 6.445\(B\)\(3\)\(b\)](#). [MCR 6.445\(F\)\(1\)](#).
    - probationer is entitled to a lawyer's assistance at the hearing and at all court proceedings, including the arraignment on the violation/bond hearing, and a lawyer will be appointed at public expense if he/she wants one and is financially unable to retain one. [MCR 6.445\(B\)\(3\)\(b\)](#).
  - advise the probationer of the maximum possible jail or prison sentence for the offense. [MCR 6.445\(F\)\(2\)](#).
  - ascertain that the plea is understandingly, voluntarily, and accurately made. [MCR 6.445\(F\)\(3\)](#).
  - establish factual support for a finding that the probationer is guilty of the alleged violation and whether the violation is a technical or non-technical violation of probation. [MCR 6.445\(F\)\(4\)](#).
- Proceed to the Michigan Judicial Institute's [Probation Violation Sentencing Checklist](#).

