

## Probation Revocation Preparation Checklist

- ❑ Is this a probation case or some other form of noncompliance?
- ❑ What does the Judgement and Sentence (J&S) say?
  - What is the date of the J & S
  - Was your client on supervised probation?
    - or was it 'bench' probation?
    - if supervised, have they been in good contact with probation?
      - If not, is there a reasonable explanation?
  - What affirmative conditions did your client need to complete?
    - Substance use evaluation and treatment
    - Mental health evaluation and treatment
    - Domestic Violence evaluation and treatment
    - DUI victim's impact panel
    - Safe driving course
    - Restitution
  - Was there a deadline the court set for proof?
    - Did they actually miss the deadline? Or was proof just not sent to the Court?
    - Was the expectation of what was due when clear to your client?
    - Is there a reasonable explanation why they missed that deadline?
  - What type of sentence was it?
    - Stipulated order of continuance or diversion
      - This is an agreement between your client and the prosecution, you will likely need the prosecutor's agreement to propose a resolution that doesn't involve revocation
    - Deferred sentence
    - Deferred prosecution
    - Regular sentence with suspended time
      - How much time was suspended?
      - Did they already get credit for any time they served?
  - What other conditions did they need to abide by?
    - No new law violations
    - No contact with a particular person(s)

- No alcohol or non-prescribed drugs
- Stay away from a particular location/establishment
- No driving without a valid license and insurance

What is in the court file? And in the docket notes?

- Is there proof in the court file that the court missed?
- Is there a treatment noncompliance report?
- Has probation filed a noncompliance report?

Has your client had any new law violations?

- Is the date of any new law accusation before the date of sentence on the J & S?

Has the prosecutor filed a motion to revoke?

- Written notice of the basis for revocation and any evidence is required before a person's probation may be revoked

Has probation filed a noncompliance report?