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?