

ADVISEMENT OF RIGHTS (Misdemeanor Probation Revocation)

1. You will be appearing in court today because a petition was filed to revoke your probation in a case wherein you previously entered a plea of guilty, no contest, were found guilty; or received treatment pursuant to W.S. §7-13-301; W.S. §35-7-1037 or a statute deferring entry of plea with conditions of probation.
2. You should have a copy of the petition to revoke your probation and any affidavit(s) in support of the petition. If you do not have copies please tell the judge, clerks or deputies. The Court will review the allegations in court. A probation revocation proceeding has two parts. The first part is called the **adjudicative phase**. **At the adjudicative phase** the Court hears evidence about whether or not there was a violation. If the Court determines a violation occurred; the **disposition phase** (sentencing) will follow.
3. The court will ask you if you **DENY** the allegation(s) you violated probation or **ADMIT** you violated probation.
4. You have the following rights that apply in a probation revocation proceeding:
 - a. **The right to a lawyer.** If you cannot afford a lawyer you may apply for a public defender. You may be ordered to pay part or all of the costs for the public defender.
 - b. **The right to silence,** you are not required to say anything about the allegations when you appear. **Anything you say could be used against you at a later time.**
 - c. You have the right to **hearing before a judge,** not a jury.
 - d. The state must prove you violated your probation by the standard of **preponderance of the evidence.**
 - e. You have the right to use the subpoena power of the court to obtain the testimony of **reluctant witnesses, confront witnesses in court (cross examine),** call witnesses on your behalf and present evidence at the hearing about the allegations.
 - f. If a **Denial** is entered, a hearing will be set within **15 days** if you are in custody or within **30 days** if you are not in custody.
 - g. If you are in custody; or have appeared by summons the Court will set bond (bail) and other conditions you will have to follow pending a hearing.
 - h. If it is alleged you **committed a new criminal offense;** in the petition seeking to revoke probation, anything you say in this hearing could be used against you in another court. There are procedures to continue a probation revocation hearing under such circumstances until resolution of a new criminal case.
5. If you admit, you give up (waive) the rights above and there will be no adjudicative hearing. The Court will review the original judgment in the case. It is possible to be placed back on probation after a violation. **The Court could at the dispositional phase (sentencing) impose any or all of a suspended jail sentence along with any suspended fine(s).** If you are appearing by video and want to see the judge in person, tell the judge.
6. If your probation is revoked after a hearing you are advised that you have the right to appeal the order revoking probation by filing a notice of appeal to the District Court of the Third Judicial District. A notice of appeal must be filed within 30 days of entry of the order revoking probation. If you are unable to afford the costs of appeal you may apply for leave to appeal *in forma pauperis*, have an appointed lawyer represent you for the appeal and have the clerk of court file notice of appeal. You may have waived some of your rights to appeal. It is your responsibility to know what you may appeal and to know and follow the applicable rules governing appeals.

I understand these rights, having read them myself and/or a court translator/interpreter having read them to me.

Date: _____

Probationer/Defendant