

STATE OF MICHIGAN
4th Judicial Circuit Court

ATC PROGRAM VIOLATION

CASE NO.

Defendant name and address:

Defendant DOB:

Defendant has failed to comply with the PSC program as follows:

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Defendant is to appear at _____ on _____ at _____
(location) (date) (time)
to address the above program violation(s).

ADVICE OF RIGHTS

1. You are entitled to a contested program violation hearing to be held on the program violation charge. The hearing is more informal than a trial on the original criminal charge(s); rules of evidence do not apply (except for matters involving privilege); and the program violation charge must be proven by a preponderance (the greater weight) of evidence. If you plead guilty or are found guilty, the court can sentence you up to the same jail term that applied to your original conviction.
2. You have the following basic rights:
 - a. To receive a written notice (copy) of the charge or alleged violation.
 - b. To plead guilty or not guilty or to stand mute. If you stand mute, a plea of not guilty will be entered for you and a contested hearing will be set by the court.
 - c. To have the assistance of an attorney (you can hire any attorney you choose).
 - d. To have an attorney appointed at public expense if you are indigent (without money or the ability to hire an attorney) and if:
 - i. The original offense was punishable by over 92 days in jail; AND,
 - ii. The offense charged required a minimum jail sentence, OR,
 - iii. The court determines that it may send you to jail, OR,
 - iv. The court determines that it may terminate you from the PSC program.
3. If you have a contested program violation hearing, you have the following rights at the hearing:
 - a. To call witnesses to speak for you at the hearing. You may get an order signed by the court to require witnesses to come to court and testify.
 - b. To see, hear, and question all witnesses against you at the hearing.

 - c. To be a witness for yourself or remain silent. If you testify, your testimony will

be considered by the court according to the same standards applied to all other witnesses' testimony. If you choose not to testify on your own behalf, no one may comment on your refusal to testify and the court will not presume or infer any evidence of guilty from the exercise of your right.

- d. To be presumed innocent until proven guilty by a preponderance (the greater weight) of the evidence.
- 4. If you plead guilty and your plea is accepted you will not have a contested hearing of any kind and in addition you will give up the right to an attorney and all of the rights listed in item 3 above.
- 5. If you decide to plead guilty without an attorney representing you, and your plea is accepted, you will be giving up your right to have an attorney or court-appointed attorney represent you. Also, if you proceed with a hearing without an attorney or court-appointed attorney representing you, you will be giving up your right to have an attorney represent you at the hearing.
- 6. If you waive your rights and plead guilty to violating your program conditions you can offer any explanation to the court along with your guilty plea and you can tell the Judge any other information you want the Judge to know and consider before the court decides on any sentence.
- 7. You have the right to be released on bond pending a contested program violation hearing.

The defendant was provided a copy of the alleged violation(s) of the ATC program and a copy of the Advice of Rights for this ATC Program Violation by

_____ on _____ at _____
(name) (date) (time)