

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO
Plaintiff,

v.

Defendant.

Case No. CR_____

Notification of Rights (Probation Violation)

Idaho Criminal Rule 5.3

You have been charged with a probation violation under the laws of the State of Idaho. It is very important that you read this notification of your rights and understand them fully before signing this document. If you have any questions concerning these rights, you may ask the judge when your case is called or consult an attorney.

Please initial each item which is fully understood; Leave blank any items which you do not understand.

- _____ 1. You have the absolute right to remain silent and the privilege against self-incrimination (the state cannot force you to testify against yourself). Any statement you make is a part of the record and may be used against you.
- _____ 2. You have the right to represent yourself and present your case without the aid of an attorney.
- _____ 3. You have the right to hire your own attorney to represent you in this matter. If you wish to be represented by an attorney but feel you cannot afford one, you may apply to the court to appoint an attorney for you, but you may be required to repay the county for the attorney fees.
- _____ 4. You have the right to deny or admit the allegations presented.
- _____ 5. Should you "admit" to the allegations, you are waiving the rights herein and there is no need for the State to prove the violation, but rather, the issue becomes one of determining the appropriate sentence. Since there is no right to a jury trial for probation violations, should you "deny" the allegations, your case will be set for an evidentiary hearing (where the judge will determine whether you have violated the terms of your probation). At an evidentiary hearing for a probation violation, the rules

of evidence are greatly relaxed and the burden will be upon the State to prove guilt by a preponderance of the evidence.

- _____ 6. You can question any witness who is going to testify against you, you can call your own witnesses, and you have the rights to the subpoena power at no cost to you.
- _____ 7. If you admit to a probation violation, or are found to have committed such an offense, the potential penalty could include the imposition of any previously suspended jail sentences or fines. There are often recommendations for penalties contained in the probation violation. These recommendations are not binding on the court but can be considered in rendering its decision.
- _____ 8. If you are not satisfied with the decision of the court, you may appeal to the next higher court, so long as your notice of appeal is filed within forty-two (42) days of the entry of the judgment.
- _____ 9. If you are in custody, you have the right to communicate with your immediate family and attorney through a reasonable means provided by the jailer. I.C.R. 5.3(c).
- _____ 10. If you are in custody, the court may or may not set bail in your case. Bail is an amount of money necessary to allow your release and assure your presence in court at a future date.
- _____ 11. Your exercise of any of these rights will not be held against you. If you have any questions about these rights, ask the judge at the next hearing.
- _____ 12. You have the right to have a copy of the alleged probation violation(s).

By signing this document, I acknowledge that I have read and fully understand my rights as indicated above.

Dated

Signature of Defendant

Typed/Printed Name