

FEDERAL DEFENDER
VIOLATIONS OF PROBATION OR SUPERVISED RELEASE

THE FEDERAL PROBATION OFFICER: If you are on probation or supervised release, you will be supervised by a U.S. Probation Officer. Expect your probation officer to be actively involved in supervising you. Probation and supervised release involve strict rules called "conditions," which include drug testing and staying out of trouble. It is the probation officer's job to make sure that you follow these rules, and to report to the judge if you do not.

TRY TO ESTABLISH A GOOD WORKING RELATIONSHIP WITH YOUR PROBATION OFFICER, SO YOU CAN AVOID PROBLEMS THAT COULD LEAD TO VIOLATIONS. If you have problems, call your attorney and ask for help.

WHAT IS A VIOLATION? If your probation officer thinks you have broken one of your conditions, you may be charged with its violation. If the judge finds that you have violated, you could go to prison. **IF YOU ARE HAVING TROUBLE WITH YOUR PROBATION OFFICER OR THINK YOU ARE IN DANGER OF BEING VIOLATED, CALL YOUR ATTORNEY.** Often we can resolve a supervision problem before there is a formal violation charge.

NOTICE OF VIOLATION: Your probation officer or the prosecutor may file a violation notice, telling the judge that they think you have violated.

INITIAL APPEARANCE: You will usually appear before the same judge who sentenced you. The judge will explain your rights and make sure you have a lawyer. If you had an Assistant Federal Defender before, that attorney will probably represent you. In some cases you may get a different attorney from this office. If you had a private lawyer but can no longer afford to pay, the court will appoint a lawyer for you if you qualify.

Instead of pleading guilty or not guilty, you will admit or deny the charged violation(s). This may happen at a separate court date shortly after your initial appearance.

VIOLATION HEARING: If you deny the charges, there may be a hearing where both sides have the chance to put on witnesses and evidence. There is no jury; the judge decides what happened. It is your decision whether or not to testify. The rules at a violation hearing are somewhat different from those at trial. Your lawyer will explain more.

CONSEQUENCES OF A PROBATION VIOLATION: If the judge finds that you violated the conditions of your probation, s/he can either keep you on probation or revoke your probation. If probation is continued, the judge can change the conditions. If probation is revoked, the judge will resentence you. The law says that the judge must revoke if you possessed drugs or guns. The advisory Sentencing Guidelines apply to revocations. Your lawyer will explain more.

CONSEQUENCE OF A SUPERVISED RELEASE VIOLATION: Supervised release is different from parole. Parole substitutes for part of a prison sentence, and if you violate you just serve the rest of your sentence. Supervised release is a separate part of your federal sentence that

follows prison. If you violate, you will get a new prison term for the violation even if you served all the time on your original sentence. Also, your sentence for the violation can include another term of supervised release after you get out of prison again. Your lawyer will explain how the Sentencing Guidelines apply to your situation.

IF YOUR VIOLATION WAS A NEW CRIMINAL OFFENSE: All violations of the law are also violations of supervision. If you get arrested on state or federal charges while on supervision, you will probably be violated in federal court. Your sentence for the violation will be separate from whatever sentence you might get in the other case, and will probably run consecutively to it. Your sentence for the violation is punishment for disobeying the federal court; your sentence in the new case is the punishment for whatever you did to break the law. Discuss this with your attorney.