

January 21, 2010

TO: All District Court Probationers

FROM: Stewart D. McDonald  
65B District Court Judge

This letter is to all District Court Defendants who are placed on probation. As a Defendant in the 65B District Court you have been sentenced by the Court to a term of probation with certain requirements and conditions imposed upon you which you must comply with in order to be successfully discharged from probation at the end of your probationary term. Probation is an alternative sentence imposed by the Court. That is, the Court has the power to sentence you to jail for up to the maximum amount of time set by statute governing your offense, which in District Court is generally up to 90/93 days in jail or in some cases up to one year in jail for certain specified misdemeanors.

Rather than impose a straight jail sentence, probation is imposed to give you an opportunity to change your behavior and rectify or correct the conditions or circumstances which may have contributed to the commission of the offense. By its very nature probation is a commitment of your time and is also at times an inconvenience or interference with other of life's activities or choices. However, a sentence to jail is also an inconvenience and disruption of your normal life activities.

While on probation, you are expected to fully cooperate with your probation officer and follow your probation officer's requests and directions. The Court's Probation Department and probation officers have full case loads and, therefore, are not able to devote extra or inordinate amounts of time to the supervision of any one particular Defendant. Your probation officer also has an absolute right to expect your cooperation and strict compliance in fulfilling your Court ordered probationary requirements. Your probation officer's responsibility is to report any violations of the Court's order of probation to the Court for possible further action. Violations of your probation rules can subject you to a formal probation violation proceeding before the Court which could result in a revocation of your probation with an unsuccessful discharge and the imposition of a jail sentence and/or additional monetary penalties.

When you are placed on probation the Court fully believes that you have the opportunity and ability to successfully complete probation and has every hope and expectation that you will fulfill your terms of probation successfully. If you believe you have circumstances which make probation impossible for you and/or may prevent you from being successful on probation, please discuss these with your probation officer immediately to determine whether your probation officer believes that the Court should consider amendments to your probation terms or instead

terminate probation and impose an alternative sentence if you are truly unable to obey and comply with terms of probation.

The payment of fines and costs, restitution to a victim, or other financial obligations imposed by the Court are conditions which you are required to fulfill and pay in order to successfully complete your probation. Therefore, if you fail to pay your Court ordered monetary obligations your probation can be violated. Your success on probation will ensure that your efforts to improve your own personal life circumstances will be rewarded and thus you will not face further jail time for your offense. Obviously, your failure on probation will subject you to additional penalties and consequences.

Finally, under certain circumstances you may have been placed on a special deferred probation under one of the provisions of law such as a Minor in Possession of Alcohol deferral; a section 7411 deferral; a special Domestic Violence deferral; or a Holmes Youthful Trainee Act deferred probation. These types of special deferred probationary statutes in Michigan give the Court an opportunity to grant you this special status and to supervise you on probation allowing you to successfully complete probation and avoid having a criminal conviction on your record for the offense. These deferred probations provide you a special opportunity to correct the behavior which led to the conviction and give you the chance to avoid suffering the consequences of a criminal conviction on your record. It is, therefore, very important that you fully comply with all of your probationary terms in order to receive the benefit of a successful discharge from probation and the avoidance of a criminal conviction.

The consequence of violation of these special types of probation is the loss of your special deferred status which then results in the criminal conviction being placed on your permanent record. There are additional consequences associated with loss of your deferred probation and the resulting conviction on your permanent criminal record which at this point you may not even be aware of. These consequences can include but are not necessarily limited to denial of certain types of employment and/or licensing opportunities at the Local, State, or Federal level; denial of admission or entry into the military or government service; denial of admission or entry into a foreign country; loss of driving privileges or suspension of your driver's license or effects on your ability to be issued a driver's license; loss of commercial driver's license privileges under Federal law; denial or inability to own or possess weapons or handguns and/or denial of issuance of a concealed weapon permit; loss of legal hunting privileges and/or loss of ability to apply for and be issued a hunting license.

As you can see, consequences resulting from a loss of special deferred probation may be more pervasive and involved than you realized. Therefore, the Court urges each and every Defendant placed on probation to invest their full and complete efforts towards successful completion of probation in order to receive the full benefits intended and avoid additional consequences associated with violation of probation. The Court wishes you the best.

Sincerely,

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Stewart D. McDonald, P30191  
65B District Court Judge

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