

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO**

RE: UNIFORM PROCEDURES FOR)	
PROCESSING PROBATION)	ADMINISTRATIVE ORDER
VIOLATIONS FELONY CASES,)	
)	10-03
)	
)	

WHEREAS, Canon 3 of the Idaho Judicial Canons precludes ex-parte contact with the court outside the presence of the parties; and

WHEREAS, the procedures throughout the Fifth Judicial District for the handling and processing Reports of Probation Violations in felony cases should be uniform; and

WHEREAS, Administrative Order 08-03, Re: Uniform Procedures for Processing Probation Violations and Applications for Early Discharge in Felony Cases, is hereby rescinded.

WHEREAS, it is necessary to establish a uniform procedure for the handling and processing of Reports of Probation Violations in felony cases, the following procedure is hereby adopted and shall be utilized throughout the Fifth Judicial District.

NOW THEREFORE, IT IS HEREBY ORDERED:

A. The probation officer shall present any report of probation violation to the prosecutor. Any report of violation shall include any progress or special progress reports which reference the compliance or noncompliance of the defendant with the terms of his probation. The report shall include the defendant's custody status.

B. The prosecutor shall determine in a timely manner if the state intends to proceed on the report of violation and if so, shall file a motion to revoke with the report of violation attached and shall serve the same on counsel for the defendant. The motion shall indicate whether the defendant has been arrested on an agent's warrant, and if so,

RE: UNIFORM PROCEDURES FOR PROCESSING
PROBATION VIOLATIONS IN FELONY CASES

which county jail the defendant was taken to. If available, the motion shall also indicate whether bail has been set upon the agent's warrant, and the amount thereof.

C. If the defendant has not posted bond, at the time of the filing of the motion, the prosecutor shall present a warrant of arrest and/ or summons for the judge's consideration for issuance to compel the defendant to appear on the reported violation.

D. In the event that the prosecutor chooses not to proceed on the reported violation, the report of violation shall be filed with the court and served on counsel for the defendant without a motion to revoke as this information is necessary for the court to make any future determinations in accordance with I.C. §19-2604.

IT IS SO ORDERED.

DATED this 19th day of February, 2010.



G. RICHARD BEVAN
Administrative District Judge

C: Dawn Anderson, District Mgr., Dept. of Correction, Probation & Parole
Magistrate Judges, Fifth Judicial District
District Judges, Fifth Judicial District
Prosecutors, Fifth Judicial District
Public Defenders, Fifth Judicial District
Clerks of the District Court, Fifth Judicial District