

# NEWS RELEASE

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## Felony Probation Violations: Report for March 21-24

The following is a summary of the felony probation violation cases handled during the week of March 21, 2011. The Honorable H. William Constangy, Superior Court Judge, presided over courtroom 5170.

One-hundred eighty-nine (189) defendants came before the court.

- 32 were scheduled for a probable cause hearing after a recent arrest for a probation violation
- 41 had their hearing date continued after a motion by the State or Defendant
- 107 admitted violating probation
- 1 denied violating probation and had a hearing and were found in violation by the judge
- 0 denied violating probation and had a hearing and were not found to be in violation by the judge
- 16 were on for a review set by a previous judge, had an order for arrest issued for failing to appear, or fall within another miscellaneous category
- 23 had their probation terminated by the judge
- 39 were revoked from probation by the judge (if probation is revoked, the defendant is sent to prison to serve the previously suspended prison sentence)
- 46 were not revoked from probation by the judge; instead, they were continued on supervised probation under the same or additional conditions

### Notes about Probation Violations:

Generally, felony probation violation cases are scheduled every other week in courtroom 5170; the cases are heard Monday through Thursday. Each Friday of these weeks the courtroom is used for felony guilty pleas or to hear Motions for Appropriate Relief (see N.C.G.S. 15A-1411 through -1422).

In response to a felony probation violation, a defendant may admit or deny the violation(s). If the defendant admits the violation(s), the presiding judge determines whether to revoke the defendant's probation and send him/her to prison, whether to continue the defendant on supervised probation under the same or additional terms, or whether to terminate (end) the supervision. If a defendant denies the violation(s), a hearing is held in which the probation officer usually testifies. If the defendant is found by the judge to be in willful violation of his/her terms of probation, the judge will take one of the same actions described above.

The DA's Office does not have the power to dismiss, or negotiate the outcome of, a probation violation. A previous sentencing judge has issued an Order placing the defendant on probation and all violations of that term of probation are alleged by the probation officer and brought before a judge to determine whether a violation exist and, if so, what action should be taken against the defendant for the violation.

*In addition to the probation violation hearings, on Monday of every week, hearings are held to determine whether probable cause exists to detain defendants that have been recently arrested for a probation violation. If probable cause is found, a violation hearing is set for the next available date. If, in lieu of waiting for a violation hearing date, the defendant chooses to immediately admit violation and request activation of his/her sentence, he/she may do so.*

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