

RULE OF PRACTICE

A majority of District Court judges agree pursuant to Rule 57 of the District Court Rules of Criminal Procedure, that a Rule 32f Violation of Probation must be proven by a preponderance of the evidence.

A proposed amendment to the District Court Rules of Criminal Procedure consistent with this practice will be forwarded to the Supreme Court for consideration and adoption. This shall become effective June 28, 2016.

Rule 32f (Proposed Amendment)

(f) *Revocation of Probation.* The court shall not revoke probation or revoke a suspension of sentence or impose a sentence previously deferred except after a hearing at which the defendant shall be afforded the opportunity to be present and apprised of the grounds on which such action is proposed. The defendant may be admitted to bail pending such hearing. Prior to the hearing the State shall furnish the defendant and the court with a written statement specifying the grounds upon which action is sought under this subdivision. No revocation shall occur unless the State establishes by a fair preponderance of the evidence that the defendant breached a condition of his/her probation or deferred sentence or failed to keep the peace or remain on good behavior.