

Can You Post Bail on a Probation Violation?

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What is Probation?

Probation is a suspended sentence in which a person must keep the peace and be on their best behavior – it may include completing drug and alcohol treatment, counseling, and regular visits to the assigned probation officer. Defendants who have a probation violation charge against them are standing against a lot. The rules of evidence are relaxed so that the State can bring proof that was not allowed in the court trial, thus complicating the defendant's case and increasing his/her chances of facing punishment. The court can also place the defendant's previously suspended sentence into effect and immediately send them to jail.

Conditions of Probation

The conditions of probation are a bit ambiguous and can be interpreted in various ways depending on the situation. 'Keeping peace and being of good behavior' can mean different things for different authorities. ***If the defendant participates in any other criminal activity, whether it is related or not related to their original crime, they are liable to suffer the punishment of probation violation.*** These are stringent conditions, and hence it is essential to hire an experienced criminal defense attorney in such a case.

What Happens At A Court Hearing For A Probation Violation?

When a judge reviews a probation violation warrant submitted by a probation officer, he sets the condition of release. ***So he may order that the accused be held without***

bail, or he may increase the bail amount and condition or place more restrictions on the accused. Bail can be posted for probation violation, but the defendant must ensure that they have a strong case in their favor because failure at that trial can have quite a negative effect on their trial as a whole.

In determining whether to grant another bail to the accused, a judge goes through the entire list of factors considered to grant the first bail or probation, even more thoroughly. All these are in keeping with Section 1026 of the constitution. The most important consideration is the nature of the crime charged and the circumstances under which the defendant has been accused. The original crime is also kept under careful consideration at this time. The defendant's character and mental condition are closely studied in one-on-one questioning while scanning his criminal history.

Probation Violation Hearings

If a defendant is arrested for violation of probation, they have the right to a court hearing. ***Because of the complexity of trying to post probation violation bail, the defendant should always have a criminal defense attorney representing their rights.*** The criminal defense attorney presents any available evidence to dispute the probation violation charge the defendant was arrested.

Having evidence to dispute the new charges against a defendant is rare, but it can happen. An example is if the defendant is arrested for tampering with his or her drug test results. A defendant could have evidence showing that he or she did not tamper with the results.

As with any other arraignment hearing, the defendant can plead guilty, not guilty, or no contendre. His or her attorney will advise him as to how he should plead. If the defendant pleads not guilty, the prosecutor must show the court any evidence he or she has showing that the defendant violated his probation conditions.

The Probation Violation Hearing Outcome

If the court determines that a defendant violated his or her probation, it could take several actions. The court could:

- Revoke the defendant's probation;
- Continue the defendant's probation;
- Modify the defendant's probation; or
- Start the defendant's probation over from the beginning.

If the court revokes a defendant's probation, they will serve the court's sentence previously imposed on the defendant, or the court might re-sentence the defendant. Additionally, it will add time for the additional charges for the violation of probation. The defendant will also face charges for the incident that led to his or her most recent arrest.

If the court finds the defendant guilty of the newest crime for which he or she was arrested, it will take his previous record and probation violation into account when sentencing him.



Probation Violation Bail Amount

A defendant's probation violation bail amount depends on his or her circumstances. The court will take into consideration several factors, including but not limited to the new charges, the defendant's probation record, any evidence the defendant might have, whether the defendant has a responsible job and whether the defendant is a flight risk.

When Bail Is Not Available

One exception to a defendant's privilege of posting bail in Utah is a felony. ***The Utah Constitution states that those who are charged with any crime can post bail except those who are accused of a felony while on parole or probation.*** Some examples of felonies in Utah include manslaughter, rape, aggravated assault, kidnapping, robbery, burglary, theft over \$1,000, and possession with the intent to distribute.

Salt Lake City Bail For Probation Violations

If a defendant is applying for bail post probation violation, he must gather documentation to prove that ***he works somewhere*** and that too somewhere respectable. Additionally, ***collecting documents for any medical treatment or health condition*** in the recent past is beneficial. ***Getting drug screens from a walk-in clinic*** weekly to be presented the court and ***letters of support from family, friends, and responsible members*** of the community can help strengthen the case. A detailed report on reasons for violation of the probation and a sincere apology letter can also help the case to a certain extent.

Respecting the period of probation and keeping a close tab on the defendant's activities is very important. This must be done by the accused himself and his family or friends.

Contact Bad Boys Bail Bonds

If you were arrested with violation of probation and the court set a new bond for you, contact Bad Boys Bail Bonds today. We write bonds throughout Utah, require 10 percent down, and do not require collateral. With over 30 years of experience, you get the high-quality customer service you deserve, and our bail agents treat you with respect.

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