

## INITIAL APPEARANCE ON A PETITION TO REVIEW/REVOKE THE DEFENDANT'S PRETRIAL RELEASE

*[Use this form if a petition has been filed asking the court to review or revoke the defendant's pretrial release]*

*[Note: If you have any doubts about the defendant's ability to speak and understand English, then consider using a certified interpreter in accordance with 18 U.S.C. § 1827. **If a certified interpreter is used, then no record needs to be made about the interpreter's qualifications.** Be sure to swear the interpreter.]*

1. *“This is the case of the United States of America versus (name of defendant). Are you (defendant's name)? I am (state your name).”*
2. *[Either summarize the charge(s) against the defendant or have the prosecutor do so. If you summarize the charges, say] “A petition has been filed alleging that you have violated the terms of your bond by [summarize the allegations in the petition and the non-compliance memorandum].”*
3. *[Ask the defendant] “Do you have a copy of the petition and the non-compliance memorandum?” [If not, make sure a copy of the petition and the memorandum is provided to the defendant.]*

*[Ask the defendant] “Within the past 24 hours, have you used or taken any **alcohol, drugs, or medication?**” [If “yes,” then say] “Do you think this might affect your ability to understand the legal matters we'll be talking about at this hearing today?”*

*[Tell the defendant] “I now will tell you about certain of your constitutional rights.”*

## [ADVICE OF RIGHTS]

4. “You have the right to remain silent. This means you don’t have to say anything to anyone. If you give up that right and make a statement, the prosecutor can, and probably will, use everything you say against you. Therefore, I strongly suggest that you not say anything to anyone unless you and your lawyer decide it’s in your best interests to do so. If you’ve already given a statement, you don’t have to say anything else. If you decide to go ahead and make a statement, you have the right to stop at any time.”
5. “Do you understand your right to remain silent?”
6. “You also have the right to be represented by a lawyer at every stage of this case. (*Name of defendant’s lawyer*) is representing you in this case, and will continue to do so, which means that (s)he will represent you in connection with the petition to review/revoke your pretrial release.
7. “Do you understand that even if you aren’t able to hire a lawyer, you have the right to have a lawyer to represent you in this case, and to represent you in connection with the petition to review/revoke your pretrial release?”

## [DETENTION]

8. “Does the government request that the defendant’s pretrial release be revoked?” [*If the government does not ask for revocation, admonish the defendant and order him/her released, with any additional or modified conditions of release that are appropriate. This would conclude the proceeding. If the government asks for revocation, then go to paragraph 9.*]
9. “Are the parties ready to proceed with a revocation hearing?” [*If the parties are ready to proceed with the hearing, you may conduct the hearing immediately. Otherwise, use your judgment as to whether to (a) go ahead with the hearing; or (b) if the hearing is to be set for a later time, release the defendant or detain him/her until the hearing. This would conclude the proceeding.*]
10. [*If you release the defendant, say*] “If you violate your bond, I could issue in a warrant for your arrest, revoke your pretrial release, and have you prosecuted

for contempt. If you commit a crime while on release, you could be given an additional sentence of up to 10 years in prison. Tampering with, threatening, or attempting to intimidate an informant, witness, juror, or officer of the court is punishable by up to 10 years in prison. Failure to appear is punishable by up to 15 years in prison.”

[ADJOURNMENT]