

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

<p>THE STATE OF IOWA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>_____</p> <p>Defendant.</p>	<p>CRIMINAL NO. _____</p> <p>INITIAL APPEARANCE BY DEFENDANT and ORDER FOR MERGED PROBABLE CAUSE AND PROBATION REVOCATION HEARING</p>
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NOW, on this _____ day of _____, 20____, the Defendant comes before this Court for the initial appearance for an alleged violation of probation pursuant to Iowa Code § 908.11. The Court finds and orders as follows:

1. The Defendant (alleged probation violator) has been furnished with a written notice of the claimed violation.

2. The Defendant (alleged probation violator) is advised of the right to appointed counsel. (Check the appropriate box):

- The Defendant has retained _____
- The Court determines the Defendant to be indigent and appoints _____ to represent the Defendant in this matter. The Defendant's attorney appears on the Defendant's behalf.

3. It appearing that the probable cause and probation revocation hearings should be merged and that the Defendant will not be prejudiced thereby, the Court orders such hearings merged pursuant to Iowa Code § 908.11(3) and orders the defendant to attend the merged hearing in person on the _____ day of _____, 20____, at _____ o'clock ____m., at the Woodbury County Courthouse, second floor, 620 Douglas Street, Sioux City, Iowa.

4. The purpose of the merged hearing is to determine whether there is probable cause to believe that the Defendant has violated the probation and whether the Defendant has in fact acted in violation of one or more conditions of the probation; and, if so, whether the Defendant should be committed to serve the sentence or other steps should be taken to protect society and improve the chance of rehabilitation. In this regard, the Defendant will have an opportunity to show, if Defendant can, that the conditions of

probation were not violated, or that circumstances in mitigation suggest that the violation is so justified or excused as not to warrant revocation.

5. At the merged hearing, the Defendant must appear and is entitled to:
 - a. The disclosure of the evidence against the Defendant;
 - b. The opportunity to be heard and to present witnesses and documentary evidence; and
 - c. The right to confront and cross-examine adverse witnesses, unless this Court specifically finds good cause for not allowing confrontation.

6. Custody of the Defendant. Pursuant to Iowa Code chapter 811, the Defendant shall be held in custody in the Woodbury County Jail until such time as the following bond requirement is satisfied. (Check the appropriate box):

- Bond previously set in this case is continued.
- The Defendant shall execute an unsecured appearance bond in the amount of \$ _____.
- The Defendant shall execute an appearance bond in the amount of \$ _____ and deposit with the Clerk of Court 10% cash in the amount of this bond.
- The Defendant shall execute and file an appearance bond with approved surety or deposit cash in lieu thereof in the amount of \$ _____.

7. The Clerk shall mail copies of this order to the Defendant, the Defendant's attorney, the Woodbury County Attorney's Office, and the Defendant's probation officer.

JUDGE, Third Judicial District of Iowa

The Defendant waives the Defendant's personal presence for purposes of this initial appearance.

Defendant