

Revoking a Deferred Judgment

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Deferred Judgments

- ✓Holmes Youthful Trainee Act, MCL 762.13
- ✓Controlled Substance, MCL 333.7411
- ✓Parental Kidnapping, MCL 750.350a
- ✓Domestic Violence, MCL 769.4a
- ✓Minor in Possession, MCL 436.1703
- ✓Drug Treatment Court, MCL 600.1070
- ✓Veterans Treatment Court, MCL 600.1206
- ✓Mental Health Treatment Court, MCL 600.1095
- ✓Licensed Health Care Profession MCL 750.430
- ✓Human Trafficking Victim, MCL 750.451c



Revoking MCL 333.7411, 436.1703, 769.4a, 750.451c, 750.350a or 750.430

What the statute says:

The court defers further proceedings and places the individual on probation upon terms and conditions and states that upon a violation of a term or condition, the court may enter an adjudication of guilt.

How to revoke the status

The court would first need to determine if a probation violation occurred by conducting a probation violation hearing. Until such time, the deferred status should remain intact.

Revoking HYTA

What the statute says:

Allows the court, with consent of the individual, to consider and assign the status of youthful trainee without entering a judgment of conviction. The court may, at any time, terminate its consideration of the individual as a youthful trainee.



How to revoke the status:

While the court can revoke a defendant's HYTA status at its discretion and at any time before the defendant's final release, a defendant has a right to a hearing prior to the termination of HYTA. See *People v. Webb*, 89 Mich. App. 50, 54, 279 N.W. 2d 573 (1979) quoting *People v. Roberson*, 22 Mich. App. 664, 177 N.W. 2d 712 (1970)

Revoking Drug MCL 600.1070 Mental Health MCL 600.1095 Veterans MCL 600.1206

What the statute says:

Allows the court to defer further proceedings and place the individual on probation or other court supervision with terms and conditions. It requires the court to place a written statement in the court file as to whether the participant completed the program successfully or whether the individual's participation in the program was terminated and, if it was terminated, the reason for the termination.

How to revoke:

By reference to the fact that the court can place a written statement in the court file as to whether the individual's participation in the program was terminated and the reasons for it, a hearing on the record is not required before the deferred status is revoked. However, in order to eliminate uncertainty and the appearance of unfairness (or potential due process concerns); the court should follow the same termination procedures akin to those in the probation revocation process.

Questions?

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