**R671. Pardons (Board of), Administration.**

**R671-514. Waiver and Pleas.**

**R671-514-1. Waiver and Pleas.**

After the execution of a Board warrant, the offender shall be informed of the opportunity to admit, deny, or plead no contest to any or all the alleged parole violations. An admission or plea of no contest to any allegation waives the right to a further hearing on that allegation. The offender shall be informed that an admission or plea of no contest is voluntary and there is no requirement to waive the offender's right to a parole violation hearing. If the offender declines to admit or plead no contest to an allegation, the Board will treat that as a denial of the allegation.

**R671-514-2. Admissions or Pleas of No Contest Before Hearing.**

(1) If an offender decides to admit or plead no contest to any alleged parole violation before a parole violation hearing, the offender shall be provided a parole violation hearing waiver form.

(2) If the Board concludes the offender is unable to knowingly and voluntarily execute the waiver, the Board:

(a) may not execute the waiver; and may

(b) assign counsel to represent the offender; or

(c) take other appropriate action to assist the offender.

**R671-514-3. Multiple Pleas Before Hearing.**

An offender may admit or plead no contest to some of the allegations and deny others. The Board may decide to dismiss the allegations the offender denied and enter a disposition based solely on the admissions or pleas of no contest. If the Board chooses to make a disposition based solely on the admissions or pleas of no contest, it will not hold an evidentiary or parole revocation hearing. The Board may schedule a hearing to receive testimony if the Board determines that doing so would assist in its decision.

**R671-514-4. Acceptance of Pleas.**

(1) An offender may enter an admission or plea of no contest using the parole violation hearing waiver form.

(2) The parole violation hearing waiver form shall explain that an admission or no contest plea will result in a revocation of parole. The waiver shall also explain, if parole is revoked, the offender may be ordered to serve their full sentences to expiration.

(3) The waiver shall also include a statement that the offender is waiving the rights to:

(a) a hearing at which the Department of Corrections would be required to prove parole violation allegations by a preponderance of the evidence;

(b) the appointment of an attorney to assist the offender at an evidentiary hearing;

(c) be present at the hearing where the evidence and testimony supporting the allegations are presented;

(d) confront and cross-examine any witnesses who testify regarding the violation allegations, absent a showing of good cause for not allowing the confrontation;

(e) call witnesses and testify themselves regarding the violation allegations.

**R671-514-5. Withdrawal of Admissions.**

(1) An admission or plea of no contest may only be withdrawn by an offender;

(a) before the entry of the Board's revocation order and disposition based upon the plea; and

(b) upon leave of the Board after a showing by the offender that the plea was not knowingly and voluntarily entered.

(2) A request to withdraw an admission or plea of no contest shall:

(a) be made in writing;

(b) clearly state that it is a motion or request to withdraw a parole revocation plea;

(c) be addressed to the Board Chair;

(d) clearly state the reasons supporting the withdrawal; and

(e) be received by the Board before entry of the disposition.

(4) The Board need not hold a hearing before ruling on the request to withdraw a plea.

(5) The Board may rule on a motion or a request to withdraw an admission or plea of no contest within 30 days of receipt and shall promptly notify the offender of its decision.

**KEY: parole, allegations, pleas**

**Date of Last Change: May 3, 2024**

**Notice of Continuation: October 4, 2022**

**Authorizing, and Implemented or Interpreted Law: 77-27-9(4); 77-27-11; 77-13-6**