

Rule 27: Probation—The goal of probation is rehabilitation.....Revised 3/2010

The goal of putting a defendant on probation is to rehabilitate the defendant by requiring him to follow conditions designed to help him learn to conform his behavior to the requirements of society. *State v. Gatlin*, 171 Ariz. 418, 422, 831 P.2d 417, 421 (App. 1992); *State v. Hennessy*, 13 Ariz. App. 546, 547, 479 P.2d 194, 195 (1971). Accordingly, Rule 27.1, Ariz. R. Crim. P., states that the sentencing court may “impose on a probationer such conditions as will promote rehabilitation.”

The Arizona Supreme Court has defined “probation” as “a judicial order allowing a criminal defendant a period of time in which to perform certain conditions and thereby avoid imposition of a sentence.” *State v. Muldoon*, 159 Ariz. 295, 298, 767 P.2d 16, 19 (1988). The Court explained:

With probation, the imposition or execution of sentence is suspended or deferred to some future date, in order that the conditions of probation may be performed. If the conditions are performed, the court need not impose the sentence because the defendant has proven himself or herself worthy not to suffer such sentence. If the conditions of probation are not performed, however, the court may vacate the order suspending the imposition of sentence, and then impose sentence, including such sanctions as it might have in the first instance.

Id. Thus, the goal of probation is to allow the defendant an opportunity to avoid sentencing by showing that he can comply with the conditions the court has imposed upon him, thereby showing that he has been rehabilitated.