

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT
PENNSYLVANIA - FRANKLIN COUNTY BRANCH

COMMONWEALTH OF PENNSYLVANIA

Criminal Action No.

vs.

**ACCELERATED REHABILITATIVE DISPOSITION COLLOQUY
EXPLANATION OF THE ARD PROGRAM AND WAIVER OF RIGHTS**

1. Acceptance into and satisfactory completion of the ARD Program offers you an opportunity to earn a dismissal of the pending charges. Do you understand this? _____
2. Failure to accurately and honestly complete all required forms relating to the ARD program will result in termination from the ARD Program. Do you understand this? _____
3. By signing this document, you are verifying that you have not previously been found guilty, adjudicated delinquent, or accepted into ARD or a similar criminal or juvenile court program on an unreported or undisclosed criminal charge. Do you understand this? _____
4. You have a continuing obligation to report any contacts with the criminal justice system that occur after the submission of this document and entry into ARD, and while on ARD. Your failure to do so will result in your disqualification and/or termination from the ARD Program. Do you understand this? _____
5. Have you had any contacts with the criminal justice system that you or your attorney did not report to the prosecutor in this case? _____
6. Because your case ends today with entry into ARD, you will be waiving certain rights you would retain if your case proceeded through the system and ultimately to trial. Some of those rights are below:
 - *To be charged and arraigned upon by a Bill of Information.
 - *To raise possible defenses (such as alibi or insanity) that you or your attorney think may be applicable in your case.
 - *To file pretrial motions (such as change of venue, suppression of evidence, change of venue, etc.)
 - *To review any further discovery materials or request a Bill of Particulars.
 - *To have a pre-sentence report prepared prior to sentencing.

Do you acknowledge and understand the waiver of the above rights, and acknowledge that the waiver is in your best interests and that you have not been forced or coerced into waiving these rights by your attorney, the attorney for the Commonwealth, or anyone else, and that you have had adequate time to discuss this waiver of rights with your attorney (if applicable)? _____

7. You have a Constitutional right to a speedy trial. If you are not incarcerated, Pennsylvania Rule of Criminal Procedure 600 requires the Commonwealth to bring your case to trial within 365 days from the date the criminal complaint is filed. If your case is not brought to trial within 365 days from the filing of the criminal complaint, you can ask the court to dismiss all charges against you. Do you understand this? _____

8. Upon entry into ARD, the time for purposes of speedy trial rights and Rule 600 stops counting against the Commonwealth. If you violate the terms of your supervision and are terminated from the ARD program, Pennsylvania Rule of Criminal Procedure 600 requires the Commonwealth to bring your case to trial within 365 days from the date a termination order is filed to remove you from the program. Do you understand this?

9. Do you agree to waive your right to a speedy trial and statute of limitations under any applicable Federal or State Constitutional provisions, statutes or rules of Court in order to participate in the ARD Program?

10. Have you reviewed the proposed Order of Court for your entry into the ARD program and the terms and conditions of the program that you will be required to complete? _____

11. The rule governing ARD states that a fine may not be imposed. The sums of money required to be paid to the use of the County and the appropriate police department are not fines, but fees associated with the costs of supervision. Do you understand this? _____

12. By entering the ARD program, you are accepting the proposed order and waiving any challenges to it. Do you agree to waive any challenges to the provisions of this order? _____

13. If you fail to satisfactorily complete these terms and conditions, you will be terminated from the ARD Program and prosecuted as provided by law. Do you understand this? _____

SUPPLEMENTAL COLLOQUY ON THE ARD PROGRAM FOR INDIVIDUALS CHARGED WITH DRIVING UNDER THE INFLUENCE [DUI]

14. While ARD is not a conviction, acceptance of ARD for a DUI will be considered a "prior offense" when calculating the grading of future DUIs. Do you understand this? _____

15. If your driver's license is suspended as a condition of acceptance into the ARD Program for a DUI, and you are found driving a motor vehicle on a highway or trafficway before your operating privileges are restored by PennDOT, you will be sentenced to pay a fine of \$500 and to undergo imprisonment for no less than 60 days or more than 90 days in jail. Do you understand this? _____

16. As a requirement of entering the ARD Program for a DUI, you must be evaluated by the Franklin County Probation Department for a Court Reporting Network [CRN] evaluation to determine the extent of your involvement with alcohol and/or controlled substances and to assist in determining what conditions of the ARD Program would benefit you and the public. Do you understand? _____

I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date

Defendant

Attorney for Defendant

The undersigned Attorney for the Commonwealth moves this case be considered for Accelerated Rehabilitative Disposition

Attorney for Commonwealth