

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No. _____ of 20__

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ARD COLLOQUY

You are appearing before this Court because the District Attorney's Office is requesting that you be permitted to enter the Accelerated Rehabilitative Disposition (hereafter ARD) Program. If you are placed in the ARD Program and successfully complete it, you will earn a dismissal of the charges and may have your record expunged. This means, among other things, that if asked, "Have you ever been convicted of a crime?", you will be able to answer truthfully, "No".

Most of the questions are designed to be answered "Yes" or "No". However, where general information is requested, please answer fully. If you do not understand any question asked of you, you should leave it blank, and you should also inform your attorney so that they can explain it to you fully. After you have finished reading this and have filled it out, initial each page at the bottom and sign it on the last page on the line above "Defendant", but only if you have read it and fully understand it.

1. What is your full name? _____
2. Are you known by any other name or alias? Yes ___ No ___. If the answer is "Yes", state the other name(s) or alias(es). _____
3. How old are you today? _____ Date of Birth: _____
4. What is the highest grade you completed in school? _____
5. Can you read, write and understand the English Language? _____
6. Have you taken any drugs or alcohol in the last 24 hours? _____
7. Have you ever been a patient in a mental health hospital, or have you ever been treated for a mental illness? _____
8. Are you now being treated for a mental illness? _____
 - (a) If the answer is "Yes", please explain the details. _____
 - (b) If you are presently being treated for a mental illness, do you still feel that you have sufficient mental capacity to understand what you are doing today and to understand these questions and answer them correctly? _____

9. Do you understand that you are here today to enter the ARD Program because of the criminal charges filed against you? _____
10. Do you understand the nature of the charge(s) filed against you? _____
11. Do you understand that you have a right to trial by a jury or by a Judge sitting without a jury?

12. Do you understand that to enter the ARD Program, you must waive certain rights guaranteed by the United States Constitution, the Pennsylvania Constitution and the Pennsylvania Rules of Criminal Procedure, specifically, your right to a speedy trial? _____
13. In submitting your case for ARD consideration, do you waive your right to a speedy trial granted by the United States Constitution and the Pennsylvania Constitution? _____
14. Do you agree to waive your right to have your case tried under the time limits set forth under Rule 600 of the Pennsylvania Rules of Criminal Procedure, that is, 365 days from the date of the filing of the Criminal Complaint if you are not in custody on the charges, or 180 days if you are in custody on the charges? _____
15. Do you understand that if, for any reason, you are dismissed from the ARD Program, you will not be able to complain that your right to a speedy trial was violated? _____
16. Do you waive the Statute of Limitations applicable to the charges filed against you? _____
17. Do you waive formal arraignment on the charges against you that are being submitted for ARD and consent to proceed on the information presented against you by the District Attorney at the time of your ARD Hearing? _____
18. Do you understand that the ARD Program is a probationary program? _____
19. Do you understand that your probation period may be up to two (2) years? _____
20. Do you understand that while you are on probation, you must report to a probation officer at times and in a manner as directed by your probation officer? _____
21. Do you understand that because ARD is a probation, if you do not follow the rules, you will be dismissed from the ARD Program and will be prosecuted on the criminal charges filed against you?

22. Do you realize that you could be found in violation of the Program, dismissed from the Program and prosecuted for these charges for (answer each subsection):
 - (a) disobeying a condition of the Program given to you by the Judge? _____
 - (b) disobeying an order, request or instruction from your probation officer? _____
 - (c) failing to abide by the rules and regulations given to you by the Adult Probation Department?

 - (d) being arrested for a violation of the criminal laws of Pennsylvania, a sister state or the Federal Government of the United States of America? _____

23. Do you understand that if damages or losses are involved in your case, you may have to make restitution to the victim? _____
24. Do you understand that successful completion of the ARD Program requires payment in full of all fines, costs and restitution? That payment may be made in full at the time of entry into the Program by credit card, cash or payment plan? _____
25. Is your case a DUI case? _____ (If the answer is “No”, skip to Question 27.)
26. If your case is a DUI case:
- (a) Do you understand that your driver’s license may be suspended and the length of said suspension is dependent on the level of Blood Alcohol Content? _____
 - (b) Do you realize that if you are arrested and convicted of DUI(s) within the next ten (10) years, the offense will be treated as a subsequent offense, even though you were on ARD, and this may subject you to mandatory imprisonment as a subsequent offender? _____
 - (c) Do you understand that you will have to undergo a Court Reporting Network (CRN) Evaluation? _____
 - (d) Do you understand that you will be required to attend the Driving Under the Influence Counter Attack School? _____
 - (e) Do you understand that you will be required to pay approximately \$2,300.00 for the costs of prosecution, supervision fees and surcharges required by law within the term of your probationary period in order to earn your dismissal of the charges? _____
 - (f) Do you understand that if you elect to pay through a payment plan and fail to make timely payments, your driver’s license will be suspended? This is in addition to any Driver’s License Suspensions to be imposed as a result of your placement in the ARD Program. If you are convicted of driving during suspension because of your failure to make timely payments, a mandatory term of imprisonment will be imposed. _____
27. If this is not a DUI case:
- (a) Do you understand that you will be required to pay approximately \$2,000.00 for the costs of prosecution, supervision fees and surcharges required by law during your term of probation, in addition to any restitution due in order to earn a dismissal of the charges? _____
 - (b) Do you understand that if you elect to pay through a payment plan and fail to make timely payments, your driver’s license could be suspended? _____
28. Do you understand that ARD is generally available only to individuals with no prior criminal record? _____
29. It has been represented to the District Attorney’s Office and to the Court, either by you or your attorney after talking to you, that you have no prior criminal record. Do you understand that if it develops that you have a prior criminal record which you have not disclosed, you may be dismissed from the Program and would be prosecuted on these charges? _____
30. Do you have any questions in regard to this document? _____

31. Knowing your rights, your responsibilities and potential conditions of the Program, do you wish to be placed in the ARD Program? _____

You will be required to comply with the following rules of the Beaver County Adult Probation Department:

1. You will be under the supervision of the Adult Probation and Parole Department and will report regularly in person, by telephone, e-mail, or in writing to your Probation Officer according to his/her instructions. Field visits may be conducted by the Probation Office staff. DO NOT contact any Probation Officer at his/her residence.
2. You are to abide by any verbal and written instructions of this Department and/or your Probation Officer. You will respond promptly to any communication from the Probation Department.
3. You must obtain permission from your Probation Officer prior to changing your residence, address or phone number. You must notify the Clerk of Courts of any such changes.
4. You will comply with all Municipal, County, State and Federal Criminal Laws, as well as the provisions in the Pennsylvania Vehicle Code and Pennsylvania Liquor Code. You MUST notify your Probation Officer within 72 hours of any arrest, receipt of summons, citation or investigation by law enforcement agencies and/or your participation with any law enforcement agency as a confidential informant.
5. You will make every effort to obtain and maintain employment and to support your dependents. You MUST notify your Probation Officer within 72 hrs. of any change or loss of employment. You will engage in an active job search, pursue a prescribed secular course of study or vocational training during periods of unemployment and provide verification of these efforts as directed by your Probation Officer. If you are unemployed and employable, you will actively participate in the Adult Probation/Career Link Program.
6. You will abstain from the unlawful possession, use, or sale of illicit drugs and from the abuse of prescription drugs. You will submit to any recognized tests, that are available, to determine whether or not you have been using drugs and/or alcohol.
7. If your sentence is a result of a DUI offense or if the crime for which you were placed on supervision involved the use of alcohol, you will abstain from the use of alcoholic beverages. All offenders placed on supervision shall refrain from the excessive use of alcoholic beverages and are strictly prohibited from frequenting any establishment whose primary business is the sale of alcohol, unless otherwise permitted by the Court and/or your Probation Officer.
8. You will refrain from any assaultive behavior and/or actions which threaten or present a clear and present danger to yourself and/or others. You will not associate with any disreputable establishments and/or individuals while on supervision.

Do you understand these Rules? _____

I acknowledge that I have read the foregoing document in its entirety, and I understand its full meaning and that my answers to the questions are truthful. I further affirm that my signature and my initials on this document are true and correct and that I have signed the same in the presence of my attorney.

Date

Defendant

I acknowledge that the Defendant has read the foregoing ARD Colloquy and has signed the same in my presence; that I have explained the contents and meaning of this document to the Defendant and that, so far as I am able to determine, the Defendant comprehends and understands what is set forth in this document and understands what his/her rights and responsibilities are.

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date

Attorney for the Defendant