

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA : No. CP-01-CR-  
Plaintiff :  
VS. :  
\_\_\_\_\_, :  
Defendant :

**DUI ARD ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the defendant is admitted into the

Accelerated Rehabilitative Disposition Program and is placed on Probation for a period of \_\_\_\_\_ months, subject to standard rules and conditions of probation, DUI conditions, all conditions of DUI/ARD Supervision and the following special conditions:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant is directed to pay the fees and costs set forth in his/her application and agreement and any restitution, and to otherwise abide by conditions set forth therein. Further proceedings on the charges shall be postponed during the term of the ARD Program. The defendant's bail is terminated and any money or other form of security deposited is returned in accordance with the rules pertaining to bail. The following conditions shall also apply, if checked:

- \_\_\_\_\_ Defendant's operating privileges shall be revoked for \_\_\_\_\_ months. The defendant is advised that if he/she drives at a time when his/her operating privilege is suspended or revoked as a condition of his/her acceptance to the ARD Program, he/she shall be guilty of an offense of Driving Under Suspension and sentenced to mandatory imprisonment and a mandatory fine. He/she could also be revoked from the ARD Program and if subsequently convicted of the charges in this case not receive any credit against any future driving suspension for the period of suspension served while in the ARD Program.
- \_\_\_\_\_ Defendant shall not consume alcohol or any non-prescribed controlled substances while on the ARD program.
- \_\_\_\_\_ Defendant has completed a CRN evaluation as directed by Probation Services.
- \_\_\_\_\_ Defendant must pay restitution as set forth in the application.
- \_\_\_\_\_ Payments made by Defendant in this matter shall be applied to restitution prior to any other applicable fees and costs.
- \_\_\_\_\_ Defendant must pay costs of prosecution as set forth in the application.
- \_\_\_\_\_ Defendant must pay \$\_\_\_\_\_ pursuant to Act 198 of 2002.
- \_\_\_\_\_ Defendant must pay \$50 surcharge in accordance with 75 Pa. C.S. Section 6506.
- \_\_\_\_\_ The Court accepts Defendant's attached Stipulation and Waiver and finds that it has been knowingly and voluntarily made. Further, to the extent necessary to enforce the terms of said Stipulation and Waiver, Defendant waives application of Pennsylvania Rules of Criminal Procedure 310-320 where inconsistent with the terms of said Stipulation and Waiver. Further, as a result of Commonwealth v. Chichkin, 232 A.3d 959 (Pa. Super. 2020), these charges shall not be expunged for a period of ten (10) years from Defendant's date of admission into the ARD Program.
- \_\_\_\_\_ The Defendant will be evaluated by the Adams County Department of Probation Services for participation in the automated Reporting System and, if deemed appropriate, shall participate in and pay any fees associated with said program.
- \_\_\_\_\_ Other provisions: \_\_\_\_\_

BY THE COURT:

\_\_\_\_\_  
Judge

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA, : No. CP-01-CR-  
Plaintiff :  
 :  
VS. :  
 :  
 :  
\_\_\_\_\_, :  
Defendant :

**ACCELERATED REHABILITATIVE DISPOSITION PROGRAM: DUI  
APPLICATION, AGREEMENT, MOTION AND ORDER**

I, the defendant above named, hereby apply for admission into the Accelerated Rehabilitative Disposition Program, hereinafter called the ARD Program, and hereby represent and agree as follows:

1. **Speedy trial and related rights:** I understand my right to have the criminal charges against me disposed of in a speedy manner. I also understand that provisions of Pa.R.Crim.P. 600 give me the right to have trial commence within 365 days from the date on which charges were filed against me, and that violation of speedy trial rights and/or the provisions of Rule 600 may give me the right to have all criminal charges dismissed. Further, I understand that prosecution of the charges will be postponed during my participation in the ARD Program and that the Commonwealth must be given the right to prosecute me if I am removed from the ARD Program some time in the future. In this regard, I understand the following:

a) if I violate conditions of the ARD Program, the court may remove me from the ARD Program and place my case back on the trial list.

b) if I am removed from the ARD Program, any delay caused by participation in and administration of the ARD Program will not be counted against the Commonwealth for Rule 600 and constitutional speedy trial provision purposes. I agree that if my trial begins beyond the time period permitted by the rule and constitutional provisions, I will give up any right to claim the benefit of speedy trial and Rule 600 provisions in regard to the time period during which I am on the ARD Program. I agree that I have waived my right to file any Omnibus Pretrial Motions under Pa.R.Crim.P. 578, both prior to my admission to the ARD program and, if applicable, in the event I am removed from the ARD program. In this regard, I understand that important rights may be given up or waived, represent that I am aware of and understand those rights, and voluntarily, knowingly and intelligently choose to waive or give up those rights. If I am, for any reason, refused admission after waiving such rights, my waiver shall be invalidated.

2. **Financial responsibilities:** As a condition of the ARD Program, I agree to pay the sum of \$ \_\_\_\_\_, in accordance with a payment schedule established by the Adams County Clerk of Courts. In addition, I understand that there may be extraordinary expenses associated with my case which are not included in the standard fee, however, which would constitute court costs as defined by statute and collectable by law. I agree that the Adams County Clerk of Courts may include these extraordinary costs as part of my financial responsibilities and agree to pay the same as a condition of my ARD admission. I acknowledge that failure to satisfy my financial responsibilities within the time period of my ARD admission shall be grounds for revocation and removal from the ARD Program and/or the initiation of contempt proceedings to be filed against me. I understand that this lump sum is comprised of various fees, charges, costs and perhaps restitution. I understand that money paid by me will be periodically distributed to various entities entitled thereto, and that it would be difficult for the Clerk of Courts to refund any money after distribution had occurred. I agree that I shall have neither a right of accounting nor refund as to any money paid by me, should I be removed from the ARD Program nor shall I be entitled to future credit. All money shall become the property of the entity entitled thereto,

as established by the Clerk of Courts. I agree that in addition to paying all ARD program fees, costs and expenses, I will also pay restitution and costs of prosecution as follows: Restitution:

\_\_\_\_\_  
Costs of prosecution: \_\_\_\_\_

I understand that the aforementioned restitution and/or costs of prosecution may only be estimates based upon information presently available. If the Commonwealth subsequently requests to amend these amounts, it shall provide me with written notice of the amount requested and give me the opportunity to agree or disagree with the request. If I agree, the request shall be submitted to the Court for entry of an amended order, but if I disagree the Commonwealth may request that the Court set the matter for hearing.

**3. Probation:** I understand that I shall be placed on probation for up to nine months, subject to standard rules and conditions of probation, DUI conditions, all conditions of DUI/ARD Supervision, and special conditions:

I acknowledge that the conditions have been explained to me and that I understand them and that violation of any condition shall constitute grounds for my removal from the ARD Program.

**4. Successful completion:** I understand that the charges against me will be dismissed if I successfully complete the ARD Program. However, if I am charged with Driving Under the Influence of Alcohol and or Controlled Substances after my admission in the ARD Program, I understand that my participation in the ARD Program shall be considered a prior conviction for purposes of my driving record and more severe criminal penalties.

**5. License Suspension:** I understand that my operating privileges shall be revoked or suspended \_\_\_ month(s), and that I must comply with any in-patient treatment ordered by the court. Failure to do so shall be grounds for my removal from the ARD Program.

**6. Removal from the Program:** I understand that the District Attorney may request my removal from the ARD Program if I do not comply with the terms and conditions as described in this application. I waive the right to have the judge who placed me in the ARD Program rule on the Commonwealth's request and agree that any judge may decide the matter. I understand that a judge may order that process should issue for my arrest so that I would be produced and be given a chance to speak on the matter. I waive the right to be personally present and agree that a judge may remove me from the ARD Program, in my absence, if I have been given reasonable notice and an opportunity to appear.

**7. Extensions:** I understand that the statutorily authorized time for probation authorized by the rules for a DUI offense is twelve months. If I am, for any reason, unable to comply with the conditions of the ARD Program within the time of my probation, I understand that I may be given an opportunity to apply for consensual removal from and readmission in to the ARD Program. However, my readmission is at the sole discretion of the Commonwealth, is not a right, and must be approved by the Court. If I make such a request in the future, I agree that the acknowledgments and waivers I am presently making shall be incorporated into the request.

**8. No prior Convictions or ARD or Pending Criminal Charges:** In consideration for my admission to the ARD Program, I hereby affirm and acknowledge that I have not been convicted of a misdemeanor or felony criminal offense in the State of Pennsylvania or in any other state or federal jurisdiction; that I have never been placed on the Accelerated Rehabilitative Disposition Program in this or any other jurisdiction; that I have not previously been admitted to a pre-disposition program similar to ARD in this or in any other state; that I have not been convicted of Driving Under the Influence or similar statute in Pennsylvania or another state or placed on the ARD program for Driving Under the Influence within the last ten years from date of this offense in Pennsylvania or in another state and that I do not have any pending misdemeanor or felony criminal charges pending in the State of Pennsylvania or in any other state or federal jurisdiction. I understand that should this information be incorrect, that I

may be removed from the ARD Program and, further, that I may be prosecuted subject to the provisions of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

**9. Legally present in United States:** In consideration for my admission into the ARD Program, I hereby affirm and acknowledge that I was legally present in the United States at the time I was charged with the offense and currently I legally reside in the United States. I understand that should this information be incorrect, that I may be removed from the ARD Program and, further, that I may be prosecuted subject to the provisions of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

**10. Bail:** I understand that once the Judge grants my motion for entry into the ARD Program, bail shall be terminated and any money or other form of security deposited shall be returned to me in accordance with the rules pertaining to bail.

**11. Stipulation and Waiver:** I understand that the attached Stipulation and Waiver is not a part of this ARD application or the ARD admission hearing. The stipulation and waiver is a condition of eligibility for admission into ARD, but is not a condition of the ARD program. I understand that I will be bound by the terms of the Stipulation and Waiver, if relevant, at any future criminal proceeding.

**12. Expungement:** I understand that it is my responsibility to pursue expungement and pay any necessary or applicable fees associated with expungement, after a period of ten years has passed from my entry into the ARD Program.

I hereby request the Commonwealth of Pennsylvania to admit me into the Accelerated Rehabilitative Disposition Program.

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Defendant

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Attorney for Defendant

### **MOTION BY COMMONWEALTH**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, I hereby move the defendant's admission into the ARD Program in accordance with his/her application agreement.

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District Attorney/Assistant District Attorney

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
: ADAMS COUNTY, PENNSYLVANIA  
v. :  
: No. CP-01-CR-

**STIPULATION AND WAIVER DUI**

1. I have applied for admission to the Accelerated Rehabilitative Disposition (“ARD”) program. This stipulation and waiver is not part of my ARD application/hearing, but is a condition that is required to be executed for admission to the ARD program. I understand that information or statements supplied by me in my application, stipulation, and/or waiver may **not** be used against me in a prosecution for the current offense if my application for ARD is denied, or if my case is revoked from the ARD program. I further understand that the only criminal proceeding in which this stipulation and waiver may be used against me is for the purposes set forth in paragraph 2.

2. I hereby agree that the statements in this stipulation and waiver are not protected by Pa.R.Crim.P. Rules 311-313. The information in this stipulation and waiver may be used against me if I am charged with Driving under the Influence (“DUI”) or related offense(s) in the future. The stipulation may be used as evidence of a “prior conviction” for purposes of increasing the grading and penalty of any such future offense.

3. I understand that under the current law, if I commit a subsequent DUI offense, the Commonwealth is required to prove beyond a reasonable doubt that I am guilty of this DUI for which I am being placed on ARD, in order to use this offense as a “prior conviction” for purposes of enhancing the grading and sentencing of any future DUI offense(s). I further understand that by agreeing to be placed into the ARD program, I am knowingly and voluntarily waiving my right to challenge in any future proceeding that this current DUI offense constitutes a “prior conviction” for purposes of enhancing the grading and sentencing of any subsequent DUI offense(s), and that by so agreeing, the Commonwealth will not be required to prove beyond a reasonable doubt at any future proceeding that I am guilty of this current DUI offense in order for it to be considered a “prior conviction.” Therefore, if I am convicted of a future DUI offense, this ARD will be considered a “prior conviction” for sentencing purposes and I will be subject to increased mandatory sentences.

4. I admit under penalty of perjury that the facts set forth in the charging documents against me, which include the criminal complaint, affidavit of probable cause, and criminal information establish my guilt beyond a reasonable doubt of a violation of 75 Pa. C.S. §3802 (DUI). I make this admission knowingly, voluntarily, and intelligently, and I am aware of my right to refuse.

5. I hereby understand and agree that I will not be entitled to expungement of any criminal history record information and/or investigative materials including but not limited to police reports, reports of any testing, and witness statements, for a period of 10 years.

\_\_\_\_\_  
Defendant Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant’s Attorney Date: \_\_\_\_\_