

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

COMMONWEALTH OF PENNSYLVANIA :

VS : NO.

ARD COLLOQUY

You are present before this Court because the District Attorney's Office is requesting that this Court permit you to enter the Accelerated Rehabilitative Disposition program. (hereafter referred to as ARD). If you are placed in the ARD program and successfully complete it, you will earn a dismissal of the charges and erasure of your record. This means, among other things, that any questionnaire you may have to fill out in your lifetime that asks "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". Where general information is requested, however, please answer fully all the questions. If you do not understand something, you should inform your lawyer so that they can explain it to you fully. If you do not have a lawyer tell the judge who hears this case.

After you have finished reading this and filling 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 and have understood it.

1. What is your full name? _____
2. Are you known by any other name or alias? _____ If the answer is "yes", state the other names or aliases. _____
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 institution or have you ever been treated for a mental illness? _____ If the answer is "yes", please explain the details: _____

8. Are you now being treated for a mental illness? _____
(a) If the answer is "yes", 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 against you? _____

Initial _____

10. Do you understand the nature of the charge(s)? _____
11. Do you understand that you have a right to trial by either a jury or a judge sitting without a jury? _____
12. Do you understand that to enter the ARD program, you must waive certain rights guaranteed by the U.S. Constitution, the Pennsylvania Constitution and the PA. Rules of Criminal Procedure? _____
13. In order to having your case submitted for ARD consideration, do you waive your right to a speedy trial as guaranteed by the United States and Pennsylvania Constitutions? _____
14. Do you further agree to waive your right to have your case tried under the time limits set forth under Pennsylvania Rule of Criminal Procedure Rule 600, i.e. 365 days from the date of the filing of the Criminal Complaint if you are not in custody on these charges, or 180 days if you are in custody on these charges? _____
15. Do you further agree to waive the Statute of Limitations applicable to the charges filed against you? _____
16. Do you waive formal arraignment on the charges against you that are being submitted for ARD and consent to proceed on the information presented or to be presented against you at the time of your ARD hearing by the District Attorney of Beaver County? _____
17. Do you understand that if for any reason you are dismissed from the program, you will not be able to complain that your right to a speedy trial was violated? _____
18. Do you understand that the ARD program is a probation? _____
19. Do you understand your probationary 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 you will have to abide by the rules and regulations of the Beaver County Adult Probation Department? _____
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 "yes" to each subsection you do understand)

- (a) disobeying a condition of the program given to you by the judge; _____ or,
- (b) disobeying an order or request or instruction from your probation officer; _____ or,
- (c) failing to abide by the rules and regulations of the Adult Probation Department; _____ or,
- (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. _____

Initial _____

23. 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? _____

24. Do you understand that if damages or losses are involved in your case, you may have to make restitution to the victim? _____

25. Is your case a DUI case? _____ (If "No", skip to question 27)

26. If your case is a DUI case:

(a) do you understand that your drivers license may be suspended by the Court and the length of said suspension is dependant level of Blood Alcohol Content? _____

(b) do you realize that if you are arrested and convicted of DUIs within the next ten (10) years, the offense(s) will be treated as a subsequent offense(s), even though you were on ARD, this may subject you to mandatory imprisonment as a subsequent offender? _____

(c) do you understand that you will have to undergo Court Reporting Network (CRN) evaluation? _____

(d) do you understand that you will be required to attend the Driving Under the Influence Counter Attack School? _____

27. Do you understand that ARD is generally available only to individuals with no prior criminal record? _____

28. It has been represented to the District Attorney's Office and to the Court either by yourself 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 to the District Attorney's Office, you will automatically be dismissed from the program and will be prosecuted on these charges? _____

29. Do you have any questions whatsoever? _____

30. Knowing your rights and your responsibilities, do you wish to be placed on A.R.D? _____

I affirm that I have read the above document in its entirety and I understand its full meaning. I further affirm that my signature and initials on each page of this document are true and correct.

Date

Defendant

I, as an attorney representing the above named defendant, state that my client has been advised of the contents and meaning of his document; that it is my belief that he/she comprehends and understands what is set forth above; and that the defendant understands what his/her rights and responsibilities are.

Date

Attorney for Defendant