

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA) NO. _____
)
vs.)
)
_____)
(Defendant)	

A.R.D. PETITION

1. My full name is _____

2. The Commonwealth has charged me with the following crimes:

I stipulate that the facts that are set forth in the Criminal Complaint and/or Criminal Information form a sufficient basis for the A.R.D.

3. I have told my lawyer all the facts and circumstances known to me about these pending charges. My lawyer has advised me on the nature of the charges, on any and all lesser included offenses, on all possible defenses that might be available, my legal rights as a person accused of a crime, and the possible consequences of entering the A.R.D. Program.

4. I understand that entry into the A.R.D Program will afford me an opportunity to earn a dismissal of the charges against me, and possibly the expungement of my record in this case.

5. I understand that if I successfully complete the terms and conditions of my A.R.D. probation, that the charges against me will be dismissed. If I violate the conditions of my probation, including the condition that I refrain from further violations of the law, I will be subject to discharge from the A.R.D. Program and once discharged, I will be required to choose between going to trial or pleading guilty to the pending charges.

6. I understand that if I am accepted into the A.R.D. Program, that the trial of my case will be postponed for as much as two years. I will be placed on probation with the Office of Probation and Parole in the county in which I reside, under terms and conditions to be set by this Court and by said Office of Probation and Parole.

7. I have been advised that as a person accused of a crime, I have a constitutional right to a speedy trial, as set forth at Rule 600 of the Rules of Criminal Procedure. I have a right to be brought to trial within 365 days of the date of the filing of the Criminal Complaint. I may demand a dismissal of the charges if not brought to trial within that time. I understand that I must give up my right to a speedy trial and for dismissal pursuant to Rule 600, while on A.R.D. probation, and I understand further that the time that elapses while I am on A.R.D. probation will not be counted towards the calculation of the 365 days. I also waive the right to raise that period of time involved in consideration and processing of the A.R.D. I further agree to waive the applicable statute of limitations.

8. I certify that I am eligible for the A.R.D. Program, never having been convicted of a crime, or participating in the A.R.D. Program within the last seven years. There are no other criminal charges pending against me presently, and I am not presently on probation or parole.

DATE: _____

(Signature of Defendant)

(Signature of Defendant's attorney or a witness)

Order regarding conditions of Accelerated Rehabilitative Disposition (ARD)

Com. vs. _____ Case Number(s): _____

The Court of Common Pleas of Westmoreland County has accepted you into the Accelerated Rehabilitative Disposition (ARD) Program under the supervision of the Westmoreland County Adult Probation and Parole Department until the expiration of the term of your program or the further order of the Court. Your supervision is granted subject to the following conditions:

1. You shall refrain from all violations of the law. You must notify your ARD officer within 72 hours of any arrest, citation, summons, or investigation by a law enforcement agency.
2. You shall follow all verbal and written instructions and report as directed by your ARD officer.
3. You will notify your ARD officer prior to changing your residence and/or phone number, and before leaving your home for more than 72 hours.
4. You shall not leave the Commonwealth of Pennsylvania without written permission from your ARD officer.
5. You shall pay to the Westmoreland County Clerk of Courts restitution, supervision fees, and costs as ordered by the Court and as agreed upon in the Payment Agreement.
6. You shall comply with all of the ARD special conditions imposed by the Court (ARD Order - page 1)
 - Should problems arise or questions occur concerning the ARD conditions, consult with your ARD officer.
 - If you think any of your rights have been violated as a result of your supervision, you may submit a timely complaint in writing to the ARD supervisor. If your complaint is not resolved to your satisfaction, you may submit your complaint in writing to the Chief Probation Officer.
 - When you have satisfactorily completed the program and complied with its conditions, you will be released from the program and become eligible to have the charges against you dismissed and the arrest record expunged.
 - Should you violate any of the conditions, a hearing may be scheduled before the Court at which time the judge will afford you an opportunity to be heard. If the judge finds that you have committed a violation of the conditions of the program, the judge may order, when appropriate, that the program be terminated, and that the attorney for the Commonwealth shall proceed on the charges as provided by law.

X _____
Defendant

BY THE COURT:
