

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : OTN # _____

v : CP-14-CR- _____ - _____

(name of applicant)

APPLICATION FOR ACCELERATED REHABILITATIVE DISPOSITION
To the District Attorney of Centre County

I, _____, defendant in the above- captioned case, request that the District Attorney of Centre County submit said case to a judge of the Court of Common Pleas of Centre County and move that it be considered for Accelerated Rehabilitative Disposition pursuant to Pennsylvania Rules of Criminal Procedure 310-320.

In order to be and remain eligible for the program and to take advantage of the expedited nature of the program, I understand that I shall: (1) apply for the program no later than the regularly scheduled preliminary hearing; (2) waive the preliminary hearing; (3) waive the right to speedy trial explained further below; and (4) waive the filing of a Criminal Information. I also agree to abide by the terms and conditions of bail, and refrain from the unlawful use and/or possession of controlled substances and agree to remain arrest free prior to my entry into the program and during my participation in the program. I understand that a failure to abide by any of these conditions will result in my ineligibility for the program and/or my revocation from the program.

I understand that under Rule 600 of the Pennsylvania Rules of Criminal Procedure I have a right to have my case tried within 365 days from the date of the filing of the Criminal Complaint. I hereby agree to waive this right from the date of this application until I complete the ARD program. If this application is rejected, I agree to waive my 365 day trial right from the date of this application until the completion of the term of court next following the date of my notice of rejection. I also understand that I have a right to be represented by an attorney.

In furtherance of this application I am submitting the information contained in the attached questionnaire with the intent that it be used by the District Attorney of Centre County to determine my eligibility for Accelerated Rehabilitative Disposition.

Signature of Defendant

Date

To be completed by the District Attorney

Approved Denied

Received on: _____
Restitution Due YES NO
Municipal Fee YES NO

District Attorney Signature _____

Date _____

INSTRUCTIONS FOR COMPLETING APPLICATION

This application must be completed by the person named as the Defendant in the above-captioned case. Failure to complete all required ARD forms accurately will delay the processing of your ARD application, and will result in your ARD application being denied. If you are uncertain of any of the answers provided, please explain. False or misleading answers will result in the denial of your Application for Accelerated Rehabilitative Disposition as well as constitute a false statement subjecting you to further prosecution.

All questions must be answered fully and truthfully. **If this application contains false or misleading information, you will be prosecuted** and subject to the penalties of 18 Pa.C.S.A. § 4904, entitled Unsworn Falsification to Authorities.

If charged with a DUI – 1st or Retail Theft, the appropriate Stipulation and Waiver must be executed and attached to this application. Upon completion, this application should be forwarded to the District Attorney of Centre County, Centre County Courthouse Annex, Room 302, Bellefonte, Pennsylvania, 16823.

PERSONAL DATA

Name	_____
Current Address	_____ _____
Permanent Address	_____ _____
Home Telephone Number	____ - ____ - ____
Work Telephone Number	____ - ____ - ____
Cell Phone Number	____ - ____ - ____
Email Address	_____
Social Security Number	____ - ____ - ____
Date of Birth	____ - ____ - ____
Place of Birth	_____

PREVIOUS ADDRESSES

List all addresses, other than those set forth above, where you have resided for the past ten (10) years:

Address	_____
Years of Residence	_____ To _____
Address	_____ _____

Years of Residence _____ To _____

Address _____

Years of Residence _____ To _____

Offense(s) for which Application for Accelerated Rehabilitative Disposition is made:

Other Offenses charged:

Date of Offense(s) _____

Prosecuting Officer _____

If an Application for Accelerated Rehabilitative Disposition is made for an offense of Driving Under the Influence, please answer the following:

Did you submit to a blood, breath or urine test to determine your blood alcohol content? _____

If so, what was the result? _____

Were you involved in an automobile accident? _____

If so, please describe: _____

If you were involved in an automobile accident, did any person other than yourself sustain any physical injury or property damage? _____

If yes, please describe:

PAST CRIMINAL RECORD

WARNING - READ AND ANSWER QUESTION CAREFULLY

Many ARD Applications are denied because the following QUESTION is not answered accurately. If you have any doubts as to whether something should be included in your answer to the following QUESTION, include it. Prior contact with the criminal justice system may not necessarily result in your ARD Application being denied. However, providing false, misleading, or incomplete information on your ARD Application will result in your ARD Application being denied, or your removal from the ARD Program, and will also result in your being charged and prosecuted for additional crimes, including but not limited to Unsworn Falsification to Authorities.

List **all** felony, misdemeanor and summary offenses for which you have ever been CHARGED:

- (1) in any state in the United States including Pennsylvania; or
- (2) involving federal laws and;
- (3) regardless of the final disposition of the case, including ARD and juvenile adjudications.

Include all charges, whether instituted by summons, arrest or citation. If a more serious charge was reduced to lesser charge this must be explained. Also include charges that were dropped, dismissed, or expunged.

1. Offense(s) _____

Place where offense filed: Court _____ State _____

Date of disposition _____

Disposition of offense(s): _____

2. Offense(s) _____

Place where offense filed: Court _____ State _____

Date of disposition _____

Disposition of offense(s): _____

3. List additional prior offenses below. Use extra sheets if necessary.

NOTICE TO DEFENDANT

The statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, Unsworn Falsification to Authorities, which provides, in part, that a person who makes any written false statement is guilty of a Misdemeanor of the Second Degree (fine not exceeding \$5,000 and/or a term of imprisonment of not more than two years), if the falsification is intended to mislead a public servant in performing his/her official function.

AFFIDAVIT

I, the undersigned, being duly sworn according to the law, depose and say that the facts stated in this application are true and correct to the best of my knowledge, information and belief. I certify that I am the named Defendant in this action and that I have personally filled out this application and I have personally signed the application below. I further acknowledge that the statements are presented to the District Attorney with the intent that they be used by her or her designee in the performance of her official duties or functions. I understand that my statements are made subject to the penalties of 18 Pa.C.S.A. § 4904, Unsworn Falsification to Authorities.

Date

Defendant's Signature

CERTIFICATION BY COUNSEL

As the attorney for the above defendant, I verify that the defendant personally completed and signed this application. I have advised the defendant of his/her rights with respect to the charges against him/her. I have also advised the defendant of the contents and meaning of the explanation of the ARD Program and waiver of rights. I verify that it is my belief that the defendant understands the rights which he/she is waiving by applying for fast track ARD. I also verify that it is my belief that the defendant understands the contents and meaning of this application for admission into the ARD Program and the requirements of the ARD Program.

I consent to the District Attorney's Office notifying the defendant directly via letter of the acceptance or rejection of their ARD application, with a copy also being sent to my office.

I do not consent to the District Attorney's Office notifying the defendant directly. All letters should be sent to my office and I will notify the defendant personally.

Date

Signature of Defendant's Counsel

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: CENTRE COUNTY, PENNSYLVANIA
v. :
: Docket No.

STIPULATION AND WAIVER RETAIL THEFT

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, and is a condition of the ARD program pursuant to Pa.R.Crim.P. Rule 316. I understand that information or statements supplied by me in my application 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 Retail Theft 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 Retail Theft offense, the Commonwealth is required to prove beyond a reasonable doubt that I am guilty of this Retail Theft 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 Retail Theft 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 Retail Theft offense constitutes a “prior conviction” for purposes of enhancing the grading and sentencing of any subsequent Retail Theft 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 Retail Theft offense in order for it to be considered a “prior conviction.” Therefore, if I am convicted of a future Retail Theft 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 to the facts set forth in the attached document that would cause any reasonable judge or jury to find me guilty beyond a reasonable doubt of a violation of 18 Pa. C.S. §3929 (Retail Theft). I make this admission voluntarily and am aware of my right to refuse.

5. I hereby understand and agree that I will not be entitled to expungement of any investigative materials including but not limited to police reports, reports of any testing, and witness statements.

Defendant

Date: _____