

COMMONWEALTH OF PENNSYLVANIA

vs.

: COURT OF COMMON PLEAS OF
: LACKAWANNA COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION
:
: CR

ARD ADMISSION COLLOQUY

1. Age: _____
2. Educational Background: _____
3. Can you read, write, speak and understand the English language? _____
4. Are you in anyway under the influence of alcohol or drugs? _____
5. Have you ever been treated for any psychological conditions? _____
6. If the answer to Question 5 is “yes”, do these conditions and/or treatment have any impact on your ability to understand what we are doing today? _____
7. Do you understand that you are here to be admitted in the Accelerated Rehabilitative Disposition (ARD) Program? _____
8. Do you understand that if you are not a citizen of the United States. Regardless of whether you have lawful immigration status, entry into the ARD Program may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits? You have the right to seek advice about these issues before you admit guilt to any offense. You are not entitled to an immigration attorney at public expense. Upon request the court may allow you additional time to consult with an immigration attorney. Do you understand this? _____
9. Do you understand that you have a right to a trial by Judge, and that by entering the ARD Program you are giving up that right? _____
10. Do you understand the elements of the crimes you have been charged with and what the Commonwealth would have to prove at trial? _____
11. Do you understand that you are presumed innocent and that by entering and completing the ARD Program you are waiving your right to challenge the sufficiency of the Commonwealth’s evidence against you? _____
12. Do you understand that if the judge denies your admission into the ARD Program agreement, you will be permitted to withdraw your application, and you will be in the same position as if you had never applied? _____
13. Do you understand the terms and conditions of the ARD Program? _____
14. Do you understand that by entering the ARD program you are waiving any protections afforded by the Double Jeopardy provisions of both state and federal constitutions, as well as Section 110 of the Pennsylvania

Crimes Code, which may otherwise be applicable? _____

15. Do you understand that by that by entering the ARD program you are waiving any protections afforded by the Speedy Trial provisions of both state and federal constitutions, as well as Rule 600 of the Pennsylvania Rules of Criminal Procedure, which may otherwise be applicable? _____

16. Do you understand that failure to comply with the conditions of the ARD Program may result in revocation of the ARD Program, and that you will face trial on the original offenses? _____

17. Do you agree to abide by all of the terms and conditions of the ARD Program? _____

18. Do you understand that successful completion of the ARD Program will be used as an element of any subsequent offense for Driving Under the Influence (DUI) under Section 3802(h) of the Vehicle Code which carries a minimum of 5 days in prison and a minimum fine of \$2,500.00, up to a maximum of five years in prison and a maximum fine of \$10,000? _____

19. Do you understand that in a proceeding on a subsequent DUI offense under Section 3802(h) of the Vehicle Code the Commonwealth will not be required to prove the conduct that gave rise to your admission in ARD? _____

20. Is it your decision to enter the ARD Program? _____

21. Have you been threatened or forced to enter the ARD Program? _____

22. Have any promises been made to you to enter the ARD Program other than the terms and conditions of ARD Program? _____

I affirm that I have reviewed the entire ARD Colloquy as well as the terms and conditions of the ARD Program, and that I understand their full meaning and legal effect. I affirm that I have not been forced, threatened or coerced in any way to forgo my rights to trial and enter into the ARD Program, and that no promises have been made to me other than the terms and conditions of the ARD Program. With this understanding of my rights, I am hereby knowingly, intelligently, and voluntarily waiving my rights to trial and seeking admission into the ARD Program.

Date

Defendant

I affirm that I have reviewed the ARD Colloquy as well as the terms and conditions of the ARD Program with my client. It is my belief that my client fully comprehends all of his rights and is knowingly voluntarily and intelligently waiving those rights to be admitted into the ARD Program.

Date

Counsel for Defendant