

**IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA, : :

vs. : No.

:

:

STATEMENT ACCOMPANYING DEFENDANT'S REQUEST TO ENTER THE ARD PROGRAM

1. Age: _____
2. Educational Background: _____
3. I read, speak, write, and understand the following language: _____
4. Are you in any way 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 being admitted into the Accelerated Rehabilitative Disposition (ARD) Program? _____
8. Do you understand that if you are not a citizen of the United States, entry into the ARD Program may result in detention, deportation, exclusion from the United States, or denial of naturalization or other immigration benefits regardless of whether you have lawful immigration status? You have the right to seek advice about these issues before entry into the ARD Program, but you are not entitled to an immigration attorney at the public's expense. Upon request, the Court may allow you to have 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 in this case, and that by entering and completing the ARD Program you are waiving 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, 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 as provided in "Defendant's Acknowledgement and Acceptance of Accelerated Rehabilitative Disposition Rules & Conditions and of the Recidivist Provisions Related to Driving Under the Influence"? _____

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 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 you will be returned to the same position as if you had never applied? _____

17. 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? _____

18. 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, nor can you challenge, the conduct that gave rise to your admission in ARD in this case? _____

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

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 "Statement Accompanying Defendant's Request to Enter the ARD Program" as well as the terms and conditions of the ARD Program as provided in "Defendant's Acknowledgement and Acceptance of Accelerated Rehabilitative Disposition Rules & Conditions and of the Recidivist Provisions Related to Driving Under the Influence," 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 Acknowledgement and Waiver of Rights Form 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/her rights and is knowingly, voluntarily, and intelligently waiving those rights to be admitted into the ARD Program.

Date

Counsel for Defendant