

7. I specifically acknowledge, agree and state that I waive a reading of the facts off the record by the Commonwealth prior to my being admitted into the ARD program before the Court as it relates to the facts giving rise to the incident in support of the criminal charges filed against me to be admitted into the ARD program.
8. I acknowledge and understand that I have a right to a trial by Judge and that by entering into the ARD Program I am waiving or otherwise giving up my right to a trial by Judge at the present time whereby if I successfully complete my ARD Program I will forever give up my right to a trial by Judge in the above captioned matter.
9. Notwithstanding my intention of being admitted into the ARD Program in the above captioned matter, I acknowledge and understand the elements of each of the crimes that I have been charged with in the above caption matter and what the Commonwealth would have to prove at time of trial before a Judge. I further acknowledge and understand that the Commonwealth's burden of proof in the above captioned matter is beyond a reasonable doubt as to each and every element of the crimes for which I have been charged with in the above captioned matter should I decide not to be admitted into the ARD program and proceed to a trial before a Judge.
10. I acknowledge and understand that I am presumed innocent of all the criminal charges pending against me that are to be admitted into the ARD Program and that I maintain that presumption of innocence even after I am admitted into the ARD Program and while I am participating in the ARD Program provided I specifically acknowledge and understand that by entering into and completing the ARD Program I am waiving my right to challenge the sufficiency of the Commonwealth's evidence against me. I acknowledge and understand that if my ARD Program is revoked in the future and I proceed to a trial before a Judge I may then challenge the sufficiency of the Commonwealth's evidence against me.
11. I acknowledge and understand that if the Judge denies my admission into the ARD Program I will be in the same position that I am currently in as though the Commonwealth never made a motion to have the above captioned matter admitted into the ARD Program whereby I may then proceed to enter a guilty plea or proceeding to a trial before a Judge.
12. I fully acknowledge and understand the terms and conditions of my ARD Program.
13. I acknowledge and understand that by entering into the ARD program I am waiving any protections afforded to me by the Double Jeopardy provisions of both state and federal constitutions and Section 110 of the Pennsylvania Crimes Code, which may otherwise

be applicable, provided I further acknowledge and agree that Double Jeopardy does not attach to me when I am being admitted into the ARD Program.

14. I acknowledge and understand that by entering into the ARD program I am waiving any protections afforded to me by the Speedy Trial provisions of both the state and federal constitutions and Rule 600 of the Pennsylvania Rules of Criminal Procedure, which may otherwise be applicable.
15. I acknowledge and understand that my failure to comply with all the terms and conditions of my ARD Program may result in the revocation of my ARD Program whereby if following a hearing a Judge revokes my ARD Program I will then be in the same position as though I was never admitted into the ARD Program and that I will then have to decide whether to enter a guilty plea or proceed to a trial before a Judge in the above captioned matter.
16. I acknowledge and agree to abide by all of the terms and conditions of my ARD Program while I am participating in the ARD Program as well as the rules, terms and conditions of my ARD supervision imposed by the Court and the county adult probation department who is supervising me while I am participating in the ARD Program as I have separately acknowledged such rules, terms and conditions of ARD supervision in writing.
17. I acknowledge and understand that if I successfully complete my ARD Program in the above captioned matter such successful completion of my ARD Program shall in the future be used against me in the event that I am charged with a subsequent offense for Driving Under the Influence (DUI) under Section 3802(h) of the Motor Vehicle Code whereby any such subsequent offense may result in me being subject to a minimum period of incarceration of five (5) days and a minimum fine of \$2,500.00 and a maximum of period of incarceration of five (5) years and a maximum fine of \$10,000.00 in the event that I plead guilty or I am found guilty of committing such subsequent DUI offense under Section 3802(h) of the Motor Vehicle Code.
18. I further acknowledge and understand that that in a proceeding on a subsequent DUI offense under Section 3802(h) of the Motor Vehicle Code the Commonwealth shall not be required to prove the conduct that gave rise to my present admission into the ARD Program in the above captioned matter.
19. I acknowledge and understand that I am knowingly, intelligently and voluntarily requesting that the Commonwealth make a motion before the Court to have the above captioned matter admitted into the ARD Program under the terms and conditions as

provided to me by the Commonwealth for my ARD Program and as set forth on the record at the time of my admission into the ARD Program.

20. I acknowledge and understand that upon my successful completion of my ARD Program I may file a motion with the Court to have the Criminal Information filed by the Commonwealth in the above captioned matter dismissed and my criminal record as a result of the above captioned matter may be expunged pursuant to Order of Court entered by the Court provided I understand and acknowledge that my driving record as it relates to the above captioned matter shall not be expunged upon my successful completion of my ARD Program.

21. I acknowledge and understand that I have not been threatened or forced to enter into the ARD Program.

22. Finally, I acknowledge and understand that no promises have been made to me by the Commonwealth, the Court, my attorney (if applicable), a law enforcement officer or any other third party or entity as it relates to my being admitted into the ARD Program other than the written terms and conditions of the offer by the Commonwealth or as set forth on the record at the time I am admitted into the ARD Program in the above captioned matter before the Court.

VERIFICATION and CERTIFICATION

Under statement of penalty punishable pursuant to 18 Pa. C.S.A. §4904, regarding unsworn falsification to authorities, Defendant and Attorney for Defendant (as applicable) verify and certify that they have read, understand and signed this ARD Admission Colloquy prior to Defendant being admitted into the ARD Program.

_____ **Date:** _____
Signature of Defendant

_____ **Date:** _____
Signature of Attorney for Defendant
 Legal Counsel Waived By Defendant