IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA Plaintiff	:	No. CP-01-CR-
VS.	:	
_____ Defendant	:	

ADDICTION DIVERSIONARY PROGRAM ORDER

AND NOW, this _____ day of _____, 20____, the Defendant is admitted into the Addiction Diversionary Program for a period of six (6) months, subject to standard conditions of the program and any special conditions set forth below. Defendant is directed to pay the fees and costs set forth in his/her application and agreement, and to abide by conditions set forth therein. Further proceedings on the charges shall be postponed during the term of the Addiction Diversionary Program. The Defendant's bail is terminated and any money or other form of security deposited is returned in accordance with the rules pertaining to bail. The following conditions shall also apply, if checked:

_____ Defendant must pay restitution as set forth in the application.

_____ Other provisions: _____
_____.

The Defendant is directed to appear for re-arraignment on _____ at 9:00 a.m. in a Courtroom to be designated.

BY THE COURT:

_____
Judge

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA Plaintiff	:	No. CP-01-CR-
VS.	:	
_____ Defendant	:	

ADDICTION DIVERSIONARY PROGRAM
APPLICATION AND AGREEMENT

I, the Defendant above named, hereby apply for admission into the Addiction Diversionary Program, and hereby represent and agree as follows:

1. **Speedy Trial and Related Rights:** I understand my right to have the criminal charges against me disposed of in a speedy manner. I also understand that provisions of Pa.R.Crim.P. 600 give me the right to have trial commence within 365 days from the date on which charges were filed against me, and that violation of speedy trial rights and/or the provisions of Rule 600 may give me the right to have all criminal charges dismissed. Further, I understand that prosecution of the charges will be postponed during my participation in the Addiction Diversionary Program and that the Commonwealth must be given the right to prosecute me if I am removed from the Addiction Diversionary Program some time in the future. In this regard, I understand the following:

A. If I violation conditions of the Addiction Diversionary Program, the Court may remove me from the Addiction Diversionary Program and list my case for arraignment; and

B. If am removed from the Addiction Diversionary Program, any delay caused by participation in and administration of the Addiction Diversionary Program will not be counted against the Commonwealth for Rule 600 and constitutional speedy trial provision purposes. I agree that if my trial begins beyond the time period permitted by the rule and constitutional provisions, I will give up any right to claim the benefit of speedy trial and Rule 600 provisions in regard to the time period during which I am on the Addiction Diversionary Program. In this regard, I understand that important rights may be given up or waived, represent that I am aware of and understand those rights, and voluntarily, knowingly, and intelligently choose to waive or give up those rights. If I am, for any reason, refused admission after waiving such rights, my waiver shall be invalidated.

2. **Financial Responsibilities:** As a condition of the Addiction Diversionary Program, I agree to pay the sum of $315 for Court costs. I acknowledge that failure to satisfy my financial responsibilities within the time period of my Addiction Diversionary Program admission shall be grounds for removing me from the Addiction Diversionary Program. I

understand that this lump sum is comprised of various fees, charges, and costs. I understand that money paid by me will be periodically distributed to various entities entitled thereto, and that it would be difficult for the Clerk of Courts to refund any money after distribution had occurred. I agree that I shall have neither a right of accounting nor refund as to any money paid by me, should I be removed from the Addiction Diversionary Program nor shall I be entitled to future credit. All money shall become the property of the entity entitled thereto, as established by the Clerk of Courts. I also acknowledge that upon successful completion of the program a petition for expungement will need to be filed to the Adams County Clerk of Courts Office, and that I will be responsible for filing the petition and paying, at the time of filing of that petition, the prevailing fees associated with the filing of expungement petitions. Further, I agree to the following:

Lab user fee _____
Restitution _____.

3. **Program Conditions:** The applicant must:

A. Truthfully answer all questions on application for program admission:

B. Attend all counseling sessions scheduled with the agency designated by the Adams County Department of Probation Services ("DPS");

C. Pay all Court costs, including laboratory user fees, and restitution as designated at the time of the person's admission to the program;

D. Comply with all state and federal laws. In this regard, the filing of criminal charges against a program participant is sufficient for removal from the program. It is not necessary that the charges be concluded and/or result in conviction;

E. Pay all counseling fees in full directly to the approved counseling agency and provide receipt for the same to DPS;

F. Remain free from the use of non-prescribed controlled substances;

G. Submit to random urinalysis testing by DPS or any agency designated by DPS and pays in full all fees related to testing; and

H. Report as directed by DPS and advise the Adams County Clerk of Courts Office, the Adams County District Attorney's Office, and DPS of any change of address within 72 hours of such change.

4. **Length of Program:** I understand that I shall be placed in the Addiction Diversionary Program for six (6) months, subject to the program conditions set forth in paragraph 3 above and the following special conditions: _____. I acknowledge that the conditions have been explained to me and that I understand them and that violation of any

condition shall constitute grounds for my removal from the Addiction Diversionary Program.

5. **Successful Completion:** I understand that the charges against me will be dismissed if I successfully complete the Addiction Diversionary Program.

6. **Removal from the Program:** I understand that the District Attorney may request my removal from the Addiction Diversionary Program if I do not comply with the terms and conditions as described in this application. I waive the right to have the Judge who placed me in the Addiction Diversionary Program rule on the Commonwealth's request and agree that any Judge may decide the matter. I understand that a Judge may order that process should issue for my arrest so that I would be produced and be given a change to speak on the matter. I waive the right to be personally present and agree that a Judge may remove me from the Addiction Diversionary Program, in my absence, if I have been given reasonable notice and an opportunity to appear.

7. **No Prior Convictions or ARD or Pending Criminal Charges:** In consideration for my admission to the Addiction Diversionary Program, I hereby affirm and acknowledge that I have not been convicted of a misdemeanor or felony criminal offense in the Commonwealth of Pennsylvania or in any other state or federal jurisdiction; that I have never been placed on the Addiction Diversionary Program for a drug offense in this or any other jurisdiction; that I have not previously been admitted to A.R.D. or a pre-disposition program similar to the Addiction Diversionary Program in this or in any other state and that I do not have any misdemeanor or felony criminal charges pending in the Commonwealth of Pennsylvania or in any other state or federal jurisdiction. I understand that should this information be incorrect, that I may be removed from the Addiction Diversionary Program and, further, that I might be prosecuted subject to the provisions of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

8. **Bail:** I understand that once the Judge grants my motion for entry into the Addiction Diversionary Program, bail shall be terminated and any money or other form of security deposited shall be returned to me in accordance with the rules pertaining to bail.

I hereby request the Commonwealth of Pennsylvania to admit me into the Addiction Diversionary Program. I have read and understand the conditions of the program.

_____
Defendant

_____
Attorney for Defendant

AGREEMENT BY COMMONWEALTH

AND NOW, this _____ day of _____, 20_____, I hereby consent to the Defendant's admission into the Addiction Diversionary Program in accordance with his/her application agreement.

_____
District Attorney

Rev. 12/2012