

---

**CARBON COUNTY COURT OF COMMON PLEAS**  
**CRIMINAL**  
**CASE MANAGEMENT PLAN**

**PRESIDENT JUDGE RICHARD W. WEBB**

---

**I. JUDICIAL COMMITMENT TO CASEFLOW MANAGEMENT.**

Since May 6, 1992, the Court has assumed the responsibility of ensuring the fair and prompt disposition of all cases, as well as, assure effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment of this principle by each District Justice, Judge, Court and County staff of the 56th Judicial District.

Goal setting provides the objectives and a benchmark for measuring its success. The Court must meet reasonable time standards for the processing and prompt disposition of standard types of cases in terms of their nature and legal issues. “Exhibit “1”, attached hereto, shows the time standards for criminal cases adopted by the American Bar Association, the National Conference of State Trial Judges, the Conference of State Court Administrators and the Pennsylvania Association of Court Management (PACM). Carbon County’s Plan adheres to the time standards adopted by PACM.

**II. EFFECTIVE COMMUNICATIONS WITH THE BAR AND POLICE.**

The Court coordinates scheduling of cases and makes reasonable accommodations to prosecuting attorneys, defense attorneys, and law enforcement personnel in the management of cases. Operative scheduling allows the District Attorney and Public Defender Offices to provide full coverage efficiently.

**III. EARLY AND CONTINUOUS COURT SUPERVISION OF CASE PROGRESS.**

The Court monitors the progress of cases from the time a summons or complaint is filed to ensure movement of cases to disposition, eliminating unnecessary delay and additional costs of prosecution. Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter is continued to a specified date.

---

**IV. EVENT-DATE CERTAINTY.**

Reasonable certainty about event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Moreover, national studies have found that nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date. Events are scheduled at the District Court level with notice given to attorneys/parties of all event dates and times, assuring case flow and expeditious case dispositions.

**V. A FUNCTIONAL CASE MANAGEMENT INFORMATION SYSTEM.**

The fully automated court computer system provides relevant, accurate, and timely case information, supporting an efficient case management plan by tracking and maintaining cases and events.

**VI. TIME STANDARDS AND CASE MANAGEMENT CRITERIA.**

Standard types of criminal cases are processed and scheduled in accordance with the time-disposition goals listed below as diagramed on the attached Exhibit “2” marked Carbon County Criminal Case Flow Chart.

The following time-disposition goals apply:

1. Preliminary hearing/waiver - 98% within 30 days of complaint, if case initiated by arrest; 98% within 50 days of complaint if by summons;
2. Court arraignment - 98% within 40 days of preliminary hearing/waiver;
3. Trials - 90% within 150 days of complaint; 98% within 180 days;
4. Sentences - 90% within 30 days of guilt; 98% within 45 days.

---

Carbon County is divided into a Northern Division and Southern Division at the District Justice level. District Court 56-3-01 and District Court 56-3-02 comprise the Southern Division and District Court 56-3-03 and District Court 56-3-04 comprise the Northern Division.

All Preliminary Hearings for misdemeanor and felony cases are scheduled in clusters on Wednesdays every week. One District Justice from the Southern Division schedules Preliminary Hearings for 9:00 A.M. and the other District Justice from the Southern Division schedules Preliminary Hearings for 1:15 P.M. The same procedure is followed in the Northern Division.

A. **PRELIMINARY ARRAIGNMENT BEFORE DISTRICT JUSTICE:**

1. If a defendant is brought before the District Justice on an arrest warrant or a summons is issued, he/she will receive, in addition to the other required papers, the following:

- (a) Criminal Complaint and Arrest Warrant Affidavit
- (b) District Court Notice of Preliminary Hearing (Exhibit 3)
- (c) Carbon County Public Defender Guidelines (Exhibit 4) -- The District Justice advises the Defendant to read the Guidelines carefully and contact the Public Defender's Office for an appointment if Defendant believes he/she qualifies.
- (d) Alternatives to Trial or Guilty Plea if First Time Offender (Exhibit 5), District Attorney Notice of Accelerated Rehabilitative Disposition (ARD) Program (Exhibit 6), Questionnaire to Determine Eligibility for ARD Program (Exhibit 7) and Prior Criminal Record Form (Exhibit 8) -- The District Justice advises Defendant, if he/she is a first-time offender of a non violent crime, that Defendant may qualify for the ARD program.

---

Defendant should review the Alternatives to Trial or Guilty Plea if First Time Offender, and if he/she thinks they qualify, Defendant completes and has notarized the Questionnaire to Determine Eligibility for ARD Program, completes the Prior Criminal Record Form, and brings both to the Preliminary Hearing at the District Justice's Office.

B. **PRELIMINARY HEARINGS BEFORE DISTRICT JUSTICE:**

1. Entry of Appearance:

(a) The attorney representing the defendant at a preliminary hearing signs an Entry of Appearance pursuant to CARB.R.Crim.P.120 and provides it to the District Justice before beginning the preliminary hearing.

(b) The District Justice transmits the Entry of Appearance with the docket transcript to the Clerk of Courts to be filed of record.

2. A member of the District Attorney's Office is assigned to conduct the prosecution of all preliminary hearings and a member of the Public Defender's Office is assigned to represent defendants who qualify for a public defender at the preliminary hearings. The court computer system accommodates the desire to have the same attorney handle the case from preliminary hearing through trial.

3. A significant percentage of cases result in ARD or guilty plea stipulations. In order to accelerate negotiation and avoid needless delays, the following elements occur at the preliminary hearing:

(a) The District Attorney provides the defense attorney with a copy of all police reports, and enlists the assistance of police departments in timely completion of such reports and supplemental reports;

---

(b) The defendant, as part of the negotiation process, signs a Prior Criminal Record Form (Exhibit 8) listing his/her known prior record, acknowledges that the negotiations are contingent on the accuracy of the information, and acknowledges that an INTENTIONAL misstatement of the record can result in additional charges; and

(c) Where a Guilty Plea or ARD agreement is reached, a written Stipulation for Trial, Guilty Plea or ARD Form (Exhibit 9), and if ARD, an Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form (Exhibit 10) are completed.

C. **SCHEDULING AT PRELIMINARY HEARING:**

1. A criminal case scheduling information form (Exhibit 11) is completed by the District Justice Office after each preliminary hearing/waiver. This form lists the Arraignment date, Pretrial Status Conference date, Last Date to Plea-Plea Day and Jury Selection date. The original of the scheduling form is forwarded by the District Justice with the docket transcript to the Clerk of Court with copies provided to the Defendant and defense counsel.

2. Waiver of Arraignment Form (Exhibit 12) is signed by defendant and defense counsel if defendant is waiving his Common Plea Arraignment at the time of the preliminary hearing.

3. When a DUI ARD has been negotiated, telephonic arrangements are made by a staff member of the District Justice Office to schedule a Court Reporting Network (CRN) evaluation. The defendant is provided with a written Notice of the Procedure for CRN

---

Evaluation Form (Exhibit 13) indicating the scheduled date and time. Defendant acknowledges receipt of the form with his/her signature.

D. **COMMON PLEAS SCHEDULING:**

Cases from two District Justices are assigned to each Common Pleas Judge. Caseload is adjusted when necessary to balance the workload and to keep cases in line with this management plan.

E. **ARRAIGNMENT AT COMMON PLEAS LEVEL:**

1. Local Rule CARB.R.Crim.P.571 provides that arraignments in non-capital cases, if not waived, are conducted by the District Attorney. Arraignments are scheduled within 40 days from preliminary hearing/waiver and within 10 days of filing the criminal information. Arraignment and Waiver of Arraignment forms listing motion deadline and defendant rights information are executed.

F. **COURT RULINGS ON MOTIONS:**

1. Each Judge monitors the status of all outstanding motions.

2. Semi Annual Reports -- Pursuant to Pennsylvania Rule of Judicial Administration 703(B)(2), each Judge is responsible to report on matters submitted and undisposed for 90 days or more.

G. **PRETRIAL STATUS CONFERENCES:**

1. Pretrial status conferences are held on all cases not stipulated to at the District Court level. The Pretrial Status Conferences are scheduled approximately 2 - 4 weeks before the scheduled trial date. They are conducted by the District Attorney's Office. All defendants must be present.

---

H. **SENTENCINGS:**

1. Most sentences are imposed at time of plea. If sentences are not imposed at the time of plea, cases are scheduled for sentencing approximately 30 days thereafter. Sentences may be imposed by a Judge other than the Judge who took the guilty plea or plea of nolo contendere. See CARB.R.Crim.P.700.

I. **DISMISSAL AND EXPUNGEMENT:**

1. At the end of each month, the Adult Probation Office prepares a list of all cases/defendants who have successfully completed the ARD Program during the month. A copy of the list is provided to the District Attorney and District Court Administrator.

2. If the District Attorney objects to the automatic expungement, the District Attorney follows the procedure set forth in Pa.R.Crim.P.320(b).

3. The District Attorney reviews the list, makes notation on the list of any case(s) in which Objections will be filed, approves the list by initialing it, and forwards it to the District Court Administrator.

4. In all cases where no objections are noted, the District Court Administrator forwards the Order of Dismissal to the appropriate Judge and, after filing same, prepares the Expungement Orders and Letters and expunges the cases from the public access screens of the Court Computer Database System after the thirty (30) day objection period expires.

5. The Court and other offices as prescribed by law maintain a confidential list of completed expungement cases.

---

---

## **Exhibits**

1. Comparative Time Standards For Criminal Cases
2. Carbon County Criminal Case Flow Chart
3. District Court Notice of Preliminary Hearing
4. Carbon County Public Defender Guidelines
5. Alternatives To Trial Or Guilty Plea If First Time Offender
6. District Attorney Notice of Accelerated Rehabilitative Disposition (ARD) Program
7. Questionnaire to Determine Eligibility for ARD Program
8. Prior Criminal Record Form
9. Written Stipulation for Trial, Guilty Plea or ARD Form
10. Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form
11. Criminal Case Scheduling Information Form
12. Waiver of Arraignment Form
13. Procedure for CRN Evaluation Form

## COMPARATIVE TIME STANDARDS FOR CRIMINAL CASES

	AMERICAN BAR ASSOCIATION & NATIONAL CONFERENCE OF STATE TRIAL JUDGES STANDARDS	CONFERENCE OF STATE COURT ADMINISTRATORS STANDARDS	PA ASSOCIATION OF COURT MANAGEMENT AND CARBON COUNTY STANDARDS	
	FROM ARREST	FROM ARREST	FROM COMPLAINT INCARCERATED	FROM COMPLAINT NOT INCARCERATED
FELONY	90% WITHIN 120 DAYS 98% WITHIN 180 DAYS 100% WITHIN 1YEAR	100% WITHIN 180 DAYS	90% WITHIN 150 DAYS 98% WITHIN 180 DAYS	90 % WITHIN 180 DAYS 98% WITHIN 240 DAYS
MISDEMEANORS	90% WITHIN 30 DAYS 100% WITHIN 90 DAYS	100% WITHIN 90 DAYS	90% WITHIN 150 DAYS 98% WITHIN 180 DAYS	90% WITHIN 180 DAYS 98% WITHIN 240 DAYS
SUMMARIES	90% WITHIN 30 DAYS 100% WITHIN 90 DAYS		90% WITHIN 30 DAYS 98% WITHIN 90 DAYS	
SUMMARY APPEALS			90% WITHIN 60 DAYS  98% WITHIN 90 DAYS	

EXHIBIT "1"

# CARBON COUNTY CRIMINAL CASE FLOW CHART\*

ARREST OR COMPLAINT FILED	PRELIMINARY HEARING	ARRAIGNMENT GUILTY PLEA	PRE-TRIAL STATUS CONFERENCE	ARDS/ GUILTY PLEAS (LAST DAY TO PLEA)	JURY SELECTION	SENTENCING
<b>WITHIN 30 DAYS IF INITIATED BY ARREST WITHIN 50 DAYS IF INITIATED BY SUMMONS</b>	<b>WITHIN 40 DAYS FROM PRELIMINARY HEARING</b>	<b>WITHIN 30 DAYS FROM ARRAIGNMENT</b>	<b>2 – 15 DAYS FROM PRETRIAL CONFERENCE</b>	<b>4-32 DAYS FROM LAST DAY TO PLEA</b>	<b>WITHIN 45 DAYS AFTER PLEA OR VERDICT</b>	
<b>EVERY WEDNESDAY</b>	<b>EVERY WEDNESDAY</b>				<b>(IF NOT SENTENCED AT GUILTY PLEA</b>	
+30	+70		+100	+110	+142	(182)

\*The County is divided into a Northern Division and Southern Division for Preliminary Hearings in Misdemeanor and Felony Cases. Four District Justices conduct Preliminary Hearings in clusters every Wednesday. One District Justice in each division conducts Preliminary Hearings commencing at 9:00 A.M. and one District Justice in each Division conducts Preliminary Hearings commencing at 1:15 P.M.

(Rev. July 1, 2004)

CARBON COUNTY  
MAGISTERIAL DISTRICT No.

Dear Sir/Madam:

You have been summoned to appear for a preliminary hearing at  
\_\_\_\_\_ on \_\_\_\_\_, in the Office of  
\_\_\_\_\_.

Enclosed please find the following forms:

1. Criminal Complaint and Arrest Warrant Affidavit
2. Notice of Hearing
3. Carbon County Public Defender Guidelines
4. Alternative to trial or guilty plea program criteria -- Accelerated Rehabilitation Disposition Program (ARD).
5. Questionnaire to Determine Eligibility for ARD Program, if you are eligible
6. Prior Criminal Record Statement

Examine the enclosed Carbon County Public Defender Guidelines. If you feel you are eligible, call the Public Defender's Office **immediately** to set up an appointment to fill out an application. The Public Defender's Office is located in the Carbon County Courthouse, Jim Thorpe, Pennsylvania. The telephone number is 570-325-2343.

You should have either obtained an attorney or had a Public Defender assigned to you before your preliminary hearing. This attorney should be present with you at your preliminary hearing.

If this is your first criminal offense, you may be eligible for the ARD program. If you qualify, you should fill out and get notarized the enclosed Questionnaire to Determine Eligibility for the ARD program and complete the Prior Criminal Record Statement and bring both to the Preliminary Hearing at the District Justice Office.

Very truly yours,

District Justice

EXHIBIT "3"

### Carbon County Public Defender Guidelines

The following financial guidelines established by the Public Defender's Office of Carbon County are to be used in determining eligibility for free legal counsel.

An individual may apply for free legal counsel in the following situations:

- criminal charges; misdemeanor and felony.
- summary cases only when there is a likelihood that the court will impose imprisonment.
- parole / probation violation. (individual must reapply)

The following applicants are presumed to be indigent and eligible for free legal representation:

- any individual presently detained in a correctional or state hospital facility that does not have asset(s) and is unable to pay for private counsel.
- any individual whose GROSS income is below the maximum income level.
  - A. In determining the GROSS income of the applicant, criteria to be considered but not limited to the following will include:
    1. All income coming into the home: unemployment, worker's compensation, social security, pensions, stocks, bonds, interest earned, inheritances, rents received, lawsuits, etc. Assets: house(s), property, car(s), etc. We will require proof.
    2. If the applicant is married and living with a spouse, both incomes will be considered. Dependant(s) are child(ren) 18 years and younger living with natural parents or are legally adopted. Proof is required. Single parents, who claim child (ren) as dependant(s), must be paying support by Court Order or have child(ren) living with him/her. Proof of Court Ordered support is required.

<u>Family</u>	<u>Yearly</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$ 8,590	\$ 716	\$179
2	11,610	968	242
3	14,630	1,219	305
4	17,650	1,470	368
5	20,670	1,723	430
6	23,690	1,975	494
7	26,710	2,225	556
8	29,730	2,478	620
each additional	3,020	252	63

If you feel you are eligible, call the Public Defender's Office to set up an appointment to fill out an application. This must be done in person. You must apply at least five (5) days BEFORE your hearing. Please bring with you all paperwork you have received to date and any copies of proof of any and all income as stated above. The phone number is (570) 325-2343. The Public Defender hours are Monday - Friday, 8:30 a.m. to 4:30 p.m., except holidays. We do not accept applications after 4:00 p.m., since it takes approximately 20 minutes to fill out the application. **WE DO NOT ACCEPT ANY COLLECT CALLS.**

**DO NOT** have alcohol on your breath or look to be under the influence of any substances or you will be asked to return at another date to complete the application. We are not responsible for any delays if you do not call for an appointment or you are asked to come back because you appear to be under the influence of a substance, or have not brought the required copies of any and all proof mentioned above.

Remember: Statements made on the application for a Public Defender must be true and correct. Any false statements that are made are subject to penalties of 18 Pa. C. S., Section §4904, relating to unsworn falsification to authorities.

**ALTERNATIVES TO TRIAL OR GUILTY PLEA IF FIRST TIME OFFENDER**  
**CARBON COUNTY**  
**JIM THORPE, PENNSYLVANIA**

**ACCELERATED REHABILITATIVE DISPOSITION**

**WHAT IS ARD?**

ARD is a **ONE-TIME** alternative to trial, conviction, and/or the mandatory jail sentence.

Upon application and completion of all conditions and a probation period, the criminal charges are dismissed and the record is expunged.

**WHO QUALIFIES FOR ARD?**

You may be eligible for ARD if you meet the following required standards for the program:

1. You have no charges of a sexual nature.
2. You have no prior DUI offenses.
3. You have not had any prior periods of revocation from supervision.
4. You do not have any F1 convictions or adjudications.
5. You do not have any F2 or F3 convictions or adjudications within the last TEN YEARS.
6. You cannot receive ARD if you falsify information on the ARD questionnaire.
7. If an accident was involved, there was NO serious injury or death.
8. You cannot have an extensive driving record.
9. You have not committed a new offense while waiting for your court date or while under supervision.
10. You attended the CRN appointment prior to the Court date.

11. You have no prior conviction for Homicide by Motor Vehicle.
12. There were no children under the age of 14 in the vehicle at time of incident.
13. You must possess necessary insurance, if accident was involved.
14. If applicant pleads guilty to any summary offense, he/she must sign a Waiver of Double Jeopardy Rights.

### **HOW DO I GET INTO THE ARD PROGRAM?**

1. You must complete the Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition (ARD) program and have it notarized, complete the Prior Criminal Record Statement, and, if DUI related, sign the Waiver of Rights Form attached to the Explanation of Accelerated Rehabilitation Program for Driving Under the Influence Offenders and bring it with you to the Preliminary Hearing at the District Justice's Office. If the ARD applicant is found to meet all of the criteria for inclusion into the ARD Program, the applicant will be recommended by the District Attorney to the Court for placement into the ARD Program and a Stipulation for ARD will be completed and you will receive a copy of the Stipulation and Order advising you when to appear for an ARD Hearing at the Court of Common Pleas.
2. A member of the District Justice staff will call and obtain an appointment for a CRN evaluation at the Carbon - Monroe - Pike Drug and Alcohol Office, First Street, Lehigh, Pennsylvania, and given you notice of the appointment and procedure for obtaining a CRN evaluation.

### **WHAT DOES PLACEMENT INTO THE ARD PROGRAM REQUIRE YOU TO DO?**

#### **NON-DUI OFFENDERS:**

1. Serve up to a **TWO-YEAR** probationary period.
2. **SIGN** an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. **COMPLETE** a counseling program, if deemed necessary, and pay for it.

4. **PAY** one-half of the ARD Administrative Fee of \$350.00 on or before your scheduled ARD hearing date.
5. **PAY ALL** the ARD Program costs as may be set from time to time by Administrative Order.
6. **COMPLIANCE** with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS – RATE OF ALCOHOL .08 to .099:**

1. Serve a **SIX-MONTH** probationary period.
2. **SIGN** an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. **ATTENDANCE AND COMPLETION** of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon-Monroe-Pike Drug and Alcohol Office.
4. **COMPLETE** a counseling program, if deemed necessary, and pay for it.
5. **PAY** one-half of the ARD Administrative Fee of \$350.00 on or before your scheduled ARD hearing date.
6. **PAY ALL** the ARD Program costs as may be set from time to time by Administrative Order.
7. **COMPLIANCE** with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS – RATE OF ALCOHOL .10 to .159:**

1. Serve a **ONE-YEAR** probationary period.
2. **SIGN** an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. **THIRTY-DAY SUSPENSION** of driving privileges.
4. **ATTENDANCE AND COMPLETION** of an ALCOHOL SAFE DRIVING PROGRAM at the Carbon-Monroe-Pike Drug and Alcohol Office.
5. **COMPLETE** a counseling program, if deemed necessary, and pay for it.
6. **PAY** one-half of the ARD Administrative Fee of \$400.00 on or before your scheduled ARD hearing date.

7. **PAY ALL** the ARD Program costs as may be set from time to time by Administrative Order.
8. **COMPLIANCE** with such rules and regulations as may be set forth by the Carbon County Courts.

**DUI OFFENDERS – RATE OF ALCOHOL .16 and higher and Refusal:**

1. Serve a **ONE-YEAR** probationary period.
2. **SIGN** an ARD written Waiver of your Preliminary Hearing and Arraignment.
3. **SIXTY-DAY SUSPENSION** of driving privileges.
4. **ATTENDANCE AND COMPLETION** of an **ALCOHOL SAFE DRIVING PROGRAM** at the Carbon-Monroe-Pike Drug and Alcohol Office.
5. **COMPLETE** a counseling program, if deemed necessary, and pay for it.
6. **PAY** one-half of the ARD Administrative Fee of \$450.00 on or before your scheduled ARD hearing date.
7. **PAY ALL** the ARD Program costs as may be set from time to time by Administrative Order.
8. **COMPLIANCE** with such rules and regulations as may be set forth by the Carbon County Courts.

**FAILURE TO ATTEND ANY APPOINTMENTS OR SCHEDULED COURT APPEARANCES WILL RESULT IN DENYING YOUR ACCEPTANCE IN ARD!**

**NO JAIL TERM, IF ACCEPTED FOR ACCELERATED REHABILITATIVE DISPOSITION AND IT IS COMPLETED SATISFACTORILY.**

**DUI OFFENDERS – ARD not stipulated at the District Court level must PAY one-half of the ARD Administrative Fee of \$500.00 on or before your scheduled ARD hearing date.**

---

**DISTRICT ATTORNEY OF CARBON COUNTY  
CARBON COUNTY COURTHOUSE  
P.O. BOX 36  
JIM THORPE, PENNSYLVANIA 18229**

**NOTICE**

Your case **MAY** be a proper one for handling under the Accelerated Rehabilitative Disposition Program (A.R.D.)

As you know, you were arrested and charged with a crime. You have the right to a trial and the Commonwealth must prove you are guilty beyond a reasonable doubt. However, being placed on probation may help you more than being convicted and sentenced to jail, so your case may be chosen for possible inclusion in the Accelerated Rehabilitative Disposition Program. Under this program, instead of being tried, you might be placed on probation immediately. If you stay out of trouble during the period of this program, these charges will be discharged and your record expunged. If you violate the conditions, you will be tried as if you never had been in this program.

If you desire to be considered for the A.R.D. Program, you **MUST** complete the enclosed questionnaire and have it **notarized**. Bring the notarized, completed questionnaire with you to the Office of the District Justice at the time of your preliminary hearing.

Be advised that applying for admission into the A.R.D. Program **does not** relieve you of your obligation to appear before the District Attorney's Office or the Court for all scheduled appearances. Failure to so appear will result in a bench warrant being issued for your arrest.

**YOU SHOULD BE CERTAIN TO CONTACT YOUR LAWYER SO THAT YOU UNDERSTAND WHAT THIS PROGRAM IS AND HOW IT WORKS.**

Very truly yours,

GARY F. DOBIAS  
District Attorney

GFD/ndj

Enclosure

EXHIBIT "6"



6. What is your present address and telephone number? \_\_\_\_\_

\_\_\_\_\_

7. What is your marital status? \_\_\_\_\_

8. What is the name of your spouse? \_\_\_\_\_

9. Give the names and ages of any children. \_\_\_\_\_

\_\_\_\_\_

10. Give the names of all persons with whom you live and your relationship with each.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Give each and every address where you resided during the last five-year period.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. State your educational experience, giving the names of schools you attended and the date of attendance.

Grade School: \_\_\_\_\_

High School: \_\_\_\_\_

College: \_\_\_\_\_

Other: \_\_\_\_\_

13. State your military status. (Check One)

Veteran \_\_\_\_\_ Non-Veteran \_\_\_\_\_

If you have been in the military service of the United States, state which branch, the years of service and the type of discharge.

Branch: \_\_\_\_\_ Years: \_\_\_\_\_

Discharge: Honorable: \_\_\_\_\_ Dishonorable: \_\_\_\_\_

EXHIBIT "7"

Other: \_\_\_\_\_ Explain: \_\_\_\_\_

14. State what occupations or jobs you have held in the last five (5) years:

<u>Employer</u>	<u>Job Description</u>	<u>Years</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

15. What is your present occupation or employment and how long employed?

\_\_\_\_\_

Employer: \_\_\_\_\_

Describe Duties: \_\_\_\_\_

If unemployed, source of income: \_\_\_\_\_

16. What is your present average net income? \_\_\_\_\_

17. What is your ability to pay Court costs? AMT: \_\_\_\_\_

18. Have you been arrested for any Juvenile or Adult criminal offenses?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state the following, using additional sheet(s) if necessary.

Date of Arrest (Month/Year): \_\_\_\_\_

Charge: \_\_\_\_\_

Jurisdiction (City & State): \_\_\_\_\_

Sentence or other Disposition: \_\_\_\_\_

19(a). Have you ever been convicted of DUI or been placed on an A.R.D. Program as a result of a DUI

Charge? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state:

Date of Arrest: \_\_\_\_\_

Date of conviction or acceptance in the A.R.D. Program: \_\_\_\_\_

County where this occurred: \_\_\_\_\_

19(b). Have you ever been placed in an A.R.D. Program for a non-DUI offense?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state:

Date of Arrest: \_\_\_\_\_

Charge: \_\_\_\_\_

Date of conviction or acceptance in the A.R.D. Program: \_\_\_\_\_

County where this occurred: \_\_\_\_\_

20. Are you presently on parole or probation? \_\_\_\_\_

21. Have you ever been treated for mental illness or hospitalized for mental illness:

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state when, where and period of time.

\_\_\_\_\_

22. Do you have any disease or other disability at the present time?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, state the nature thereof: \_\_\_\_\_

\_\_\_\_\_

23. Are you presently dependent upon or addicted to alcohol or drugs?

Yes \_\_\_\_\_ No \_\_\_\_\_

24. Are you presently enrolled in any treatment program for alcohol or drug addiction dependency?

Yes \_\_\_\_\_ No \_\_\_\_\_

**THE FOLLOWING QUESTIONS ARE TO BE ANSWERED BY ANY PERSON CHARGED WITH DUI**

25. Were you involved in an accident? Yes \_\_\_\_\_ No \_\_\_\_\_  
If so:

(a) Do you have insurance? Provide the name of your insurance company.

\_\_\_\_\_

(b) Was any person, other than you injured? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) If so, give the name and address of injured party or parties, along with a description of the injuries suffered.

\_\_\_\_\_

(d) Is there any restitution due? If any, approximately how much?

\_\_\_\_\_

26. State any other offenses you were charged with, either under the vehicle code or the crimes code, which arose from this incident.

\_\_\_\_\_

\_\_\_\_\_

27. What was your blood alcohol reading? \_\_\_\_\_

28. WHERE were you drinking? \_\_\_\_\_

How long? \_\_\_\_\_

**TO BE COMPLETED BY ALL APPLICANTS**

29. State the name, address and telephone number of three reputable citizens, not related to you, who are willing to support your consideration for the Accelerated Rehabilitative Disposition Program:

NAME

ADDRESS

TELEPHONE NUMBER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

30. State briefly why you feel you should be given the benefit of placement in the Accelerated Rehabilitative Disposition Program.

---

---

---

---

---

I, hereby, swear to (or affirm) the truth of the facts set forth in this Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition and I fully realize that an intentional falsification as to any answer, or part thereof, is a crime punishable by law.

\_\_\_\_\_  
Signature of Applicant

Acknowledgement:

Sworn to (affirm) and subscribe to

before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_, A.D.

\_\_\_\_\_  
NOTARY

**56TH JUDICIAL DISTRICT – CARBON COUNTY**

**PRIOR CRIMINAL RECORD STATEMENT**

DEFENDANT’S NAME: \_\_\_\_\_

OTN #: \_\_\_\_\_

DEFENSE COUNSEL: \_\_\_\_\_ DA: \_\_\_\_\_

Representations regarding prior record:

I, \_\_\_\_\_, defendant, represent that my prior criminal record, including prior ARDs, is set forth here in full, to the best of my memory. I understand that if this listing is in error, the parties will not be bound by the agreement. **I ALSO UNDERSTAND THAT AN INTENTIONAL FALSE STATEMENT BY ME ON THIS DOCUMENT COULD RESULT IN A SEPARATE CRIMINAL PROSECUTION.**

<b>Charge (include arrests)</b>	<b>all</b>	<b>Location and State)</b>	<b>(County</b>	<b>Disposition</b>	<b>Approximate Date</b>
_____		_____		_____	_____
_____		_____		_____	_____
_____		_____		_____	_____
_____		_____		_____	_____
_____		_____		_____	_____
_____		_____		_____	_____
_____		_____		_____	_____

\_\_\_\_\_  
(Defendant) (Date)

\_\_\_\_\_  
(Defense Counsel) (Date)

\_\_\_\_\_  
(DA assigned to case) (Date)

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

COMMONWEALTH OF PENNSYLVANIA

vs

:  
: CASE ID # \_\_\_\_\_  
:  
: 180 DAYS: \_\_\_\_\_

STIPULATION

CHARGES FOR TRIAL, GUILTY PLEA OR ARD

COUNT #1 \_\_\_\_\_  
COUNT #2 \_\_\_\_\_  
COUNT #3 \_\_\_\_\_  
COUNT #4 \_\_\_\_\_  
COUNT #5 \_\_\_\_\_  
COUNT #6 \_\_\_\_\_

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the following stipulation is entered into between the Commonwealth and the Defendant in connection with the above charges: (check one)

\_\_\_\_\_ TRIAL BY JURY \_\_\_\_\_ NON-JURY TRIAL \_\_\_\_\_ GUILTY PLEA \_\_\_\_\_ ARD

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for the Defendant

\_\_\_\_\_  
D.A. or Assistant D.A.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it is hereby ORDERED and DECREED that the Defendant shall appear in Court Room #1/2, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ .M. prevailing time or on further order of the Court, for \_\_\_\_\_ and arraignment, if not waived.

BY THE COURT

\_\_\_\_\_  
District Justice/Judge

EXHIBIT "9"

**IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	D.J. ID # _____
vs.	:	O.T.N. # _____
	:	C.P. ID # _____
_____	:	
Defendant	:	

**EXPLANATION OF ACCELERATED REHABILITATION PROGRAM (A.R.D.)  
and  
WAIVER OF RIGHTS FORM**

1. I understand that I have been charged with a crime and that I have a right to go to trial on that charge. I am presumed innocent of this charge and the prosecution must prove my guilty beyond a reasonable doubt.
2. Notwithstanding my right to go to trial, I ask to be placed in the Carbon County A.R.D. Program and **I CERTIFY THAT I HAVE NOT PREVIOUSLY BEEN IN SUCH A PROGRAM IN THIS OR ANY OTHER JURISDICTION.**
3. I understand the District Attorney will consider any prior criminal conviction I may have.
4. I understand the District Attorney will consider a victim's input on my request for A.R.D.
5. I am aware that I will be in the A.R.D. program for a specific period and that the special terms and condition of the program are as follows:
  - (a) I will pay the costs of the prosecution of the charges filed against me.
  - (b) I will attend and complete the Highway Safety Program at the Carbon-Monroe-Pike Drug & Alcohol Office and pay the costs thereof.
  - (c) I will receive an alcohol and/or drug evaluation and follow through with any recommended treatment and pay the costs thereof.
  - (d) I may have to receive a mental health evaluation and follow through with any recommended treatment and pay the costs thereof.
  - (e) I will complete any community service hours as may be ordered by the Court.

- (f) If I caused any property damage or personal injury to anyone and do not have insurance to pay for such damage or personal injury, I will make restitution to the victim of the amount of such damage or personal injury.
  - (g) I will abide by the general rules and regulations applicable to all persons on A.R.D.
6. I understand that the charges which have been filed against me will not be further prosecuted while I am in the A.R.D. Program, but if I fail to complete the program satisfactorily, I will be removed from the program and the charges filed against me will then be prosecuted according to law as if I had never been in the A.R.D. Program.
  7. I understand that if I successfully complete the A.R.D. Program the charges that have been filed against me will be dismissed and the record will be expunged. If my current charge is for an offense under the driving under influence statute and I am convicted of a subsequent offense of driving under the influence, I may be sentenced as a second or subsequent offender of driving under the influence.
  8. I understand that I can reject this offer of A.R.D. and demand that my case be brought to trial instead and that neither rejection of A.R.D. nor any statement I make in these A.R.D. proceedings can be used against me at trial.
  9. I understand that by participating in the A.R.D. Program I waive (give up) the following rights:
    - (a) My right to a preliminary hearing.
    - (b) My right to a formal Court arraignment.
    - (c) The right to have my case tried before a jury within three hundred and sixty-five (365) days from the date the charges were filed against me and dismissed if not tried within 365 days.
    - (d) The applicable statute of limitations within which prosecution must be commenced on the charges against me.
  9. Time spent in processing the questionnaire for A.R.D. will be excluded in computing the 365 days under Rule 600.
  10. I understand that if my case is removed from the A.R.D. program and sent back for trial, the District Attorney will then have one hundred and twenty (120) days within which to bring me to trial.

I have read the above and fully understand it.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
Defendant

As attorney for the above-named Defendant, I certify that I have fully discussed and reviewed the foregoing explanation and waiver of right to the Defendant and I believe he/she understands it.

DATE: \_\_\_\_\_ SIGNED : \_\_\_\_\_  
Attorney for Defendant

I agree that this case is suitable for inclusion in the A.R.D. Program and I move that the Defendant be placed on A.R.D.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Assistant) District Attorney

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

COMMONWEALTH OF PENNSYLVANIA

vs.

Defendant

:  
:  
:  
:  
:  
:

D.J. ID # \_\_\_\_\_

O.T.N. NO. \_\_\_\_\_

**CRIMINAL CASE SCHEDULING INFORMATION**

Defense Counsel: \_\_\_\_\_

Entry of Appearance Signed? \_\_\_\_\_

Is defendant in jail? \_\_\_\_\_

Waiver of Arraignment signed? \_\_\_\_\_

Asst. District Atty. \_\_\_\_\_

Major Charge: \_\_\_\_\_

Date Complaint Filed: \_\_\_\_\_

Date of Preliminary Hearing: \_\_\_\_\_

**IMPORTANT NOTICE**

You and your attorney are required to appear for the following proceedings. These dates may not be changed without Leave of Court.

1. Arraignment (if not waived): \_\_\_\_\_ 9:00 A.M.  
Prevailing time, Courtroom Two, Courthouse, Jim Thorpe, PA 18229
2. Pre-trial Status Conference: \_\_\_\_\_ 9:00 A.M.  
Prevailing time, District Atty. Office, Courthouse, Jim Thorpe, PA 18229

**\*\*\*FAILURE TO APPEAR MAY RESULT IN A FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST\*\*\***

The undersigned defendant and defense counsel hereby acknowledge receipt of a copy of this notice.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Defendant's Counsel

\_\_\_\_\_  
District Justice

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

VS.

D.J. ID # \_\_\_\_\_

O.T.N. # \_\_\_\_\_

C.P. ID # \_\_\_\_\_

\_\_\_\_\_  
Defendant

**WAIVER OF ARRAIGNMENT**

I, the undersigned attorney for the Defendant, do hereby waive the arraignment provided for in PA. Rule of Criminal Procedure No. 571 which is scheduled to be held in this case on \_\_\_\_\_.

I, the undersigned Defendant, understand that:

1. The information containing the charges against me will be filed in the Office of the Clerk of Courts and a copy will be mailed to my attorney and to me.  
\_\_\_\_\_ (Defendant's initials)
2. Any discovery must be concluded 14 days after the scheduled arraignment date.  
\_\_\_\_\_ (Defendant's initials)
3. I must file a request for a Bill of Particulars in writing within 7 days after the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
4. If I intend to offer the defense of alibi, insanity or mental infirmity, I must notify the Attorney for the Commonwealth in writing within 30 days after the scheduled arraignment date.  
\_\_\_\_\_ (Defendant's initials)
5. I must file all pre-trial motions for relief on or before 30 days from the scheduled arraignment date. \_\_\_\_\_ (Defendant's initials)
6. If I fail to file any motions for discovery or pre-trial relief within the prescribed time limits, it shall be considered a waiver of the rights to file such motions.  
\_\_\_\_\_ (Defendant's initials)
7. I must give the Court notice prior to stated jury selection date if I desire to have my case tried before a Judge without a jury. \_\_\_\_\_ (Defendant's initials)

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Attorney for Defendant

EXHIBIT "12"

**CRIMINAL CASE MANAGEMENT PLAN  
PROCEDURE FOR CRN EVALUATIONS**

1. The CRN (Court Reporting Network) evaluation is a computer-supported information system that provides the Courts with a detailed personality and alcohol intake profile of a person charged with Driving Under the Influence.
2. The Court **MUST** have in their possession, prior to your sentencing or acceptance into the ARD program, the complete CRN evaluation. It is important that you keep the scheduled appointment given to you to avoid any delays in your case.
3. Please have the following information with you at the time of your evaluation:
  - **TIME AND DATE OF ARREST**
  - **DRIVER'S LICENSE NUMBER**
  - **BLOOD ALCOHOL CONCENTRATION LEVEL (BAC)**
4. The cost of the CRN evaluation is \$50. Payment in full is required at the time of the evaluation. Failure to appear, failure to bring the \$50 fee and/or the above-requested information, will result in the re-scheduling of your appointment. A \$15 no-show fee will be assessed for missed appointments.

**MASTERCARD AND VISA ARE ACCEPTED OR MAKE CHECK OR  
MONEY ORDER PAYABLE TO:  
Carbon-Monroe-Pike Drug & Alcohol Commission, Inc.**

\_\_\_\_\_  
Date of Appointment

\_\_\_\_\_  
Time of Appointment

**Bonnie Wright, BA, CAC  
AHSP Program Director  
Carbon – Monroe – Pike Drug & Alcohol Commission, Inc.**

I have read the above and fully understand it and I acknowledge receipt of the scheduled CRN evaluation date and time.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

CARBON OFFICE  
110 S. First Street  
Lehighton, PA 18235  
610-377-5177

MONROE OFFICE  
724 A Phillips Street  
Stroudsburg, PA 18360  
1-866-824-3578

PIKE OFFICE  
Suite 303, 10 Buist Rd.  
Milford, PA 18337  
570-296-7255