

file

COURT OF COMMON PLEAS MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER : 29 AD 2010  
: 5 CV 2010  
: A.R.D. IN SUMMARY CASES

ORDER

AND NOW, this 28<sup>th</sup> day of December, 2010, pursuant to Pa.R.Crim.P. 300-302, the Court adopts the following local procedure for an Accelerated Rehabilitation Program (now known as A.R.D.) in summary cases:

*It Is Further Ordered* that one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in *The Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; that this local rule be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts – Criminal of the Court of Common Pleas of Monroe County.

1. Defendants charged with summary offenses shall be eligible for A.R.D. to be supervised by the Magisterial District Judge (hereinafter MDJ), pursuant to Pa.R.Crim.P. 300-302 and 42 Pa.C.S.A. §1520 et al.
2. Admission shall be requested within ten (10) days of receipt of the citation or summons. Extensions of the application period may be granted by the MDJ for good cause. The MDJ shall determine eligibility for summary A.R.D. within seventy-two (72) hours of the submission of the application.

- a. The MDJ shall notify the Deputy Administrator Special Courts when a defendant is placed in A.R.D. for a summary matter.
- b. The Deputy Administrator Special Courts shall maintain a list of all defendants placed in A.R.D. in a summary matter.
- c. No defendant previously admitted to A.R.D. in any summary matter before an MDJ in Monroe County shall be admitted to a subsequent summary A.R.D.
- d. A defendant who applied for A.R.D. in a summary matter shall execute the following:

**AFFIDAVIT**

I have not previously been placed in an A.R.D. program at the Magisterial District Judge level in Monroe County. I make this statement subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

\_\_\_\_\_ Date

\_\_\_\_\_ Name

- e. Prior to placing a defendant in A.R.D., the MDJ shall determine that the defendant has not previously been placed in A.R.D. in a summary matter in Monroe County by contacting the Deputy Administrator Special Courts.
- 3 Costs of supervision and restitution, if any, must be paid before completion of the A.R.D. program. These costs include court costs incident to a non-traffic summary offense and any costs incident to the program.
  - 4 The defendant shall be notified in writing of acceptance or rejection from A.R.D.
    - a. If accepted, defendant shall appear at a time designated by the MDJ for completion of all documentation incident to admission to A.R.D.

- b. The MDJ shall schedule and notify the defendant at the time of admission to A.R.D. of a hearing date to determine if all A.R.D. requirements have been met within ninety (90) days of the entry into A.R.D.
- 5 If rejected, the MDJ shall notify defendant that he has ten (10) days to enter his plea and the case shall proceed in accord with Chapter 4 of the Pennsylvania Rules of Criminal Procedure.
- 6 Requests for continuance of said hearing shall be denied, except in compelling circumstances. No continuance shall be for more than seven (7) days.
- 7 A defendant accepted into A.R.D. shall be referred to the following programs:
  - a. Juvenile Retail Theft Program
  - b. Certified Underage Drinking Program
  - c. N-O-T Program (Not on Tobacco-Underage Smoking Cessation Program)
  - d. Anger Management Program
- 8 The MDJ shall require the defendant to complete a minimum of 10 hours of service work to non-profit groups, government entities, churches, or other agencies as authorized by the Magisterial District Judge.
- 9 Each MDJ shall file a report on a monthly basis with the Deputy Administrator Special Courts setting forth the disposition. If a defendant eligible for A.R.D. is not admitted, the MDJ shall include the reasons therefore in the report. Upon successful completion of all requirements, the defendant's case shall be dismissed and the defendant discharged. Also upon successful completion of all requirements the MDJ will present a Petition for Expungement to the Deputy Administrator Special Courts who in turn will submit an Order to Expunge to the Court for signature.

- 10 If defendant declines A.R.D. or fails to successfully complete the program requirements, the case shall proceed in accord with Chapter 4 of the Pennsylvania Rules of Criminal Procedure.
- 11 No summary case shall remain 'active' for purposes of A.R.D. supervision in excess of ninety (90) days.
- 12 The following shall be displayed in each MDJ office:

**NOTICE TO THOSE CHARGED WITH  
CERTAIN SUMMARY OFFENSES –**

You may be eligible to participate in a program (A.R.D.) which will result in dismissal of the charge against you. The A.R.D. program is available for defendants who have not previously been placed into a summary A.R.D. program in Monroe County.

You must pay all costs and restitution before completion of the program. You will be required to attend a counseling program for up to ninety (90) days. If you successfully complete the program, the charge against you will be dismissed. If you want to apply for the A.R.D. program, notify the Magisterial District Judge immediately.

- 13 This Administrative Order shall become effective 60 days after publication in *The Pennsylvania Bulletin*.

BY THE COURT:

  
RONALD E. VICAN, P.J.

CC: Ronald E. Vican, P.J.  
Linda Wallach Miller, J.  
Margherita Patti Worthington, J.  
Arthur Zulick, J.  
Jonathan Mark, J.  
Jennifer Harlacher Sibum, J.  
All Magisterial District Courts  
District Attorney  
Public Defender  
Clerk of Courts

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MONROE COUNTY, PA