



COUNTY OF NORTHAMPTON

OFFICE OF THE DISTRICT ATTORNEY
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JOHN M. MORGANELLI
DISTRICT ATTORNEY

NOTICE FROM THE DISTRICT ATTORNEY:

PRETRIAL DIVERSION

You MAY be eligible for one of the Pretrial Diversion Programs if the charges against you are of the type that are eligible for disposition via a Pretrial Diversion Program.

The Pretrial Diversion Programs known as ARD, Dismissal under Rule 314, and the Q.D.P. Program are set forth below.

*ALL APPLICATIONS FOR ARD (INCLUDING BUT NOT LIMITED TO D.U.I. ARD) AND PETITIONS FOR DISMISSAL UNDER RULE 314 MUST BE FILED NO LATER THAN 90 DAYS AFTER THE DATE OF ARRAIGNMENT (OR THE DATE THAT ARRAIGNMENT WAS WAIVED) AND SUCH APPLICATIONS/PETITIONS WILL NOT BE CONSIDERED UNLESS THE APPLICATION/PETITION IS ACCOMPANIED BY A SIGNED WAIVER OF RULE 1100 RIGHTS WAIVED FOR A PERIOD OF SIX MONTHS.

*FAILURE TO FILE AN APPLICATION FOR ARD AND/OR A PETITION FOR DISMISSAL UNDER RULE 314, ALONG WITH A WAIVER OF RULE 1100, WITHIN THE 90-DAY PERIOD FROM THE DATE OF ARRAIGNMENT WILL RESULT IN A DENIAL OF THE APPLICATION FOR ARD AND A REFUSAL OF THE COMMONWEALTH TO CONSENT TO A DISMISSAL UNDER RULE 314.

*THE FILING OF ANY PRE-TRIAL MOTIONS (NOT INCLUDING AN INFORMAL REQUEST FOR DISCOVERY, WHICH WILL BE PERMITTED) INCLUDING BUT NOT LIMITED TO MOTIONS TO COMPEL DISCOVERY, TO SUPPRESS, TO QUASH, BILL OF PARTICULARS AND ANY AND ALL OMNIBUS PRE-TRIAL MOTIONS, WILL RESULT AUTOMATICALLY IN A DENIAL OF AN APPLICATION FOR ARD, DISMISSAL UNDER RULE 314 OR Q.D.P.

1. ACCELERATED REHABILITATIVE DISPOSITION (ARD) -

If you are a first offender, i.e., you do not have a prior criminal record, you may make application for the ARD Program. ARD is a pre-indictment probationary program which, if completed successfully, will result in the charges against you being dropped. THIS PROGRAM IS AVAILABLE ONLY FOR THOSE WHO DO NOT HAVE A PRIOR CRIMINAL RECORD.

If you are accepted into the ARD Program, you will be placed on probation with conditions imposed by the Court.

Defendants eligible for the ARD Program are generally those who lend themselves to treatment and rehabilitation and the crime charges is relatively minor and does not involve a serious breach of the public trust and the crime charged has not resulted in injury to any person, nor does it involve a sexual offense or the delivery of any illegal drug. The program is intended to encourage first offenders to make a fresh start after participation in a rehabilitative program and offers the possibility of a clean record, if successfully completed.

2. DISMISSAL UNDER RULE 314 -

If you are charged with an offense which is not alleged to have been committed by force or violence or threat thereof, you may be considered for a dismissal of the charges under Rule 314, upon the showing that:

(a) The public interest will not be adversely affected and

(b) The attorney for the Commonwealth consents to the dismissal; and

(c) Satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and

(d) There is an agreement as to who shall pay the cost.

Rule 314 dispositions will be considered when the offense charge involves financial and/or property losses that are subject to compensating the victim upon payment of monies.

NO PETITION FOR DISPOSITION OF THE RULE 314 MAY BE FILED UNLESS RESTITUTION IN FULL HAS BEEN PAID TO THE VICTIM AND THE DEFENDANT HAS ALL MONIES TO PAY THE COSTS IN FULL.

3. THE QUICK DISPOSITION PROGRAM (Q.D.P.) -

THIS PROGRAM HAS BEEN DESIGNED FOR CASES INVOLVING BAD CHECKS AND RETAIL THEFTS. THIS PROGRAM HAS BEEN DESIGNED FOR SELECTED CASES, IN ORDER TO EXPEDITE THE DISPOSITION OF THESE CRIMINAL CHARGES. IF YOU HAVE BEEN CHARGED WITH A BAD CHECK

AND/OR A RETAIL THEFT, YOUR CASE WILL BE AUTOMATICALLY SCHEDULED FOR A PRETRIAL CONFERENCE AT WHICH TIME YOU MAY BE OFFERED DISPOSITION THROUGH THE QUICK DISPOSITION PROGRAM.

In order to participate in the Quick Disposition Program, you will be required to enter a plea of guilty to the charges against you.

By accepting Q.D.P., you will be granted the following benefits:

1. You will avoid the imposition of any jail sentence;
2. You will avoid the imposition of any fines.

By accepting Q.D.P., the following will be required of you:

1. You will be required to make restitution in full to the victim, pursuant to a payment plan supervised by the Probation Department;

2. You will be placed on nominal probation for the purposes of making restitution;

3. You may be required to participate in a court-ordered remediation and/or education program.; and

4. You will be required to pay court costs.

Participation in Q.D.P. must be with the consent of the District Attorney and the Court.

IF YOU DO NOT ACCEPT Q.D.P. OPTION AT THE TIME OF THE PRETRIAL CONFERENCE, YOU WILL NOT BE ABLE TO CHOOSE IT LATER.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CONTACT YOUR ATTORNEY. IF YOU ARE NOT ABLE TO AFFORD TO HIRE AN ATTORNEY, YOU ARE ENTITLED TO BE REPRESENTED BY AN ATTORNEY WITHOUT CHARGE. YOU MAY APPLY FOR A FREE ATTORNEY BY CONTACTING THE PUBLIC DEFENDER OF NORTHAMPTON COUNTY, ROOM 038 AT THE NORTHAMPTON COUNTY GOVERNMENT CENTER, 669 WASHINGTON STREET, EASTON, PA 18042, TELEPHONE (610) 559-3040.