

COMMONWEALTH OF PENNSYLVANIA

VS

DEFENDANT

: IN THE COURT OF COMMON PLEAS
: INDIANA COUNTY, PENNSYLVANIA
:
: CRIMINAL DIVISION
:
: NO.
:

Petition for Settlement of Prosecution
Under Pennsylvania Rules of Criminal Procedure Rule No. 586

AND NOW, comes the Defendant, through his/her attorney _____,
and respectfully represents as follows:

1. That the Defendant above mentioned is charged with the offense(s) of _____.
2. That the offense is not alleged to have been committed by force, violence, or the threat thereof.
3. That the victim or aggrieved party is _____.
4. That said aggrieved party recognizes a remedy, therefore, by civil action.
5. That satisfaction, in fact, has been made to the said aggrieved party and that the said party does not desire to press the criminal charges filed, evidence of which is provided by a settlement agreement entered into by and between said defendant and the aggrieved party, which agreement is made a part hereof and attached hereto as Exhibit "A".
6. That it does not appear that the interest of the public will be materially affected by the granting of the Petitioner's request for discharge upon a showing that satisfaction has been made to the aggrieved party.
7. That the defendant will pay the costs of prosecution in this matter.

WHEREFORE, pursuant to the Pennsylvania Rules of Criminal Procedure, Rule 586, Petitioner prays your Honorable Court to approve the Petition for Settlement of Prosecution herein contained and to execute an Order of Discharge upon the payment of costs of prosecution in accordance with said Rule 586, and to order that the case be nol prossed.

Respectfully Submitted,

Defendant (or) Attorney for Defendant

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JOINDER

I hereby consent to a hearing on the Petition for Settlement of Prosecution.

Date

District Attorney

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20____, by and between
_____, herein referred to as the Party of the First Part.

AND

_____, herein referred to as the Party of the Second Part.

WHEREAS, the parties to this agreement desire to settle this matter.

NOW, THEREFORE, in consideration of the foregoing premises and of the provisions herein contained, and intending to be legally bound hereby, the parties hereto agree as follows:

1. The Party of the First Part has paid to the Party of the Second Part, constituting payment in full for any connection with the incident above referred to for which the Party of the First Part is under an information at the above designated number and term.
2. The Party of the Second Part acknowledges full and complete restitution and satisfaction from the Party of the First Part upon receipt of _____; further, the Party of the Second Part, not being desirous of prosecution of this matter through criminal courts, does hereby release the Party of the First Part from any and all claims and demands, rights and prosecution or causes of action which the Party of the Second Part may have against the Party of the First Part as a result of or predicated upon liability of criminal responsibility surrounding the above referred to circumstances.

PARTY OF THE FIRST PART

PARTY OF THE SECOND PART

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ORDER OF COURT

AND NOW, this _____ day of _____, 20____, upon consideration of the within Petition for Settlement of Prosecution, it appearing to the Court that the District Attorney has joined the prayers of the within Petition indicating his belief that this case should be settled on the basis that the Defendant pay the costs of prosecution, that full restitution has in fact been made to the victim and the Court being further of the opinion that the public interest will not be materially affected if the Court this settlement, **IT IS HEREBY ORDERED AND DIRECTED** that the settlement in this case be approved and allowed upon payment of the costs by the Defendant, and it is further **ORDERED AND DIRECTED** that the Defendant be discharged and that the case against him/her be Nol Prossed.

IT IS FURTHER ORDERED AND DIRECTED that restitution in the amount of \$ _____ paid by Defendant and being held in escrow by the Clerk of Courts shall be paid forthwith to the victim in this manner, _____, at the following address: _____.

BY THE COURT,

Judge