

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
VS : INDIANA COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION
: No.:
DEFENDANT

PETITION FOR PROBATION WITHOUT VERDICT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

AND NOW, comes _____ Esquire, Attorney for Petitioner, and respectfully represents as follows:

1. That your Petitioner resides at: _____
2. That you Petitioner is charged with: _____
under "The Controlled Substance, Drug, Device and Cosmetic Act" of 1972,
35 P. S. §780-101 et seq.
3. That your Petitioner has not previously been convicted of an offense under this act or under any similar Act of the United States or any other State.
4. That "The Controlled Substance, Drug Device and Cosmetic Act" provides for Probation Without Verdict to a person who has not been previously convicted of an offense under this Act or under any similar Act of the United States or any other State.
5. That your Petitioner requests that judgment not be entered against him/her and that further proceedings be deferred, and that he be placed on Probation for a specific time not to exceed the maximum for the offense, and upon such terms and conditions as the Court may require.
6. That your Petitioner further requests that, upon the dismissal of the proceedings, his/her criminal record be expunged in accordance with subsection 35 P. S. §780-117 and §780-119.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court place him/her on Probation Without Verdict at the above captioned number and term for a period of time not to exceed the maximum for the offense charged, and that his criminal record be expunged.

Attorney for Petitioner

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: No.

BEFORE ME, the undersigned officer, personally appeared

Who, duly being sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of knowledge, information and belief.

The defendant, undersigned, waives his right under Pa. Rules of Criminal Procedure, Rule 600 of his/her right to a speedy trial.

Sworn to and subscribed before me

this ____ day of _____, .

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DEFENDANT : No.:

JOINDER

I hereby consent to a hearing on the Petition for Probation Without Verdict in the above captioned case.

Date

District Attorney

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
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: CRIMINAL DIVISION
: No.:
DEFENDANT

ORDER OF COURT

AND NOW, this _____ day of _____, upon consideration of the
within Petition for Probation Without Verdict, it is hereby ORDERED AND DIRECTED that
a hearing be scheduled in the above captioned matter on the _____ day of
_____, at _____ . M., in Courtroom No. _____, Indiana County
Courthouse, Indiana, Pennsylvania.

BY THE COURT,

President Judge

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: CRIMINAL DIVISION
: No.:

DEFENDANT

ORDER OF COURT

AND NOW, this ____ day of _____, upon consideration of
the within Petition and upon Motion of _____, Attorney for defendant,
_____, be placed as follows:

Probation _____

Court Costs _____

Fine _____

Monthly Supervision Fee _____

Special Conditions: _____

AND that upon completion of the terms and conditions set forth by the Probation
Department of Indiana County, the proceedings against the defendant shall be dismissed
and the defendant discharged. Discharge and dismissal shall be without adjudication of guilt
and shall not constitute a conviction for any purpose whatever, including the penalties
imposed for a second and subsequent conviction.

Further, upon the defendant successfully fulfilling the term and conditions of his probation, and the Court having dismissed the proceedings against the defendant, the Court finds that in accordance with "The Controlled Substance, Drug, Device and Cosmetic Act" of 1972, 35 P. S. §780-119, the records of the offense should be expunged and, therefore, IT IS ORDERED AND DIRECTED that the Clerk of Courts shall serve a certified copy of this Order upon the following persons, Keepers of records pertaining to the above captioned Criminal proceedings:

1. District Attorney
2. District Justice
3. Pennsylvania State Police, Records Identification Section, Harrisburg, Pennsylvania
4. Indiana County Probation Department
5. District Court Administrator, Christy K. Donofrio, Esquire

Or any other Agency of the local, state or federal government, be destroyed, and that an Affidavit verifying that such records have been expunged and destroyed, together with a Copy of this Order to be filed in this Court within thirty (30) days after said records has been expunged and destroyed. IT IS FURTHER ORDERED AND DIRECTED that no copy of this Order of Expungement shall be retained by any office or agency which expunged and destroyed the records, but the same shall be returned to this Court together with the foregoing affidavits, which shall be placed under seal by the Prothonotary and Clerk of courts of this County, and under no circumstances shall any person or agency be permitted to examine the foregoing sealed documents.

For the purpose of properly identifying the person whose records are to be expunged under this Order, the following information is set forth:

1. Name
2. Date of Birth
3. Social Security Number
4. Date of Arrest
5. _____ was arraigned in the Court of Common Pleas, Indiana, Pennsylvania at No. ____ Crim _____.

IT IS FURTHER ORDERED AND DIRECTED that the Clerk of Courts is not to report this proceeding as a conviction to the Department of Transportation unless the Defendant fails to complete the program.

BY THE COURT,

President Judge