

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
 : INDIANA COUNTY, PENNSYLVANIA
 :
 v. :
 : Docket No. _____ CRIM _____
 :
 _____, :
 Defendant :

STIPULATION AND WAIVER (DUI)

1. Driving Under the Influence (75 Pa.C.S. § 3802) offenses charged against Defendant:

_____	_____
_____	_____
_____	_____

2. I am applying for admission to the Accelerated Rehabilitative Disposition (“ARD”) program in Indiana County. I understand that information or statements supplied by me in my application may not be used against me in a prosecution for the current offense if my application for ARD is denied, or if my case is revoked from the ARD program. I further understand that the only criminal proceeding in which this stipulation and waiver may be used against me is for the purposes set forth in paragraph 3.

3. I hereby agree that the statements in this stipulation and waiver are not protected by Pa.R.Crim.P. Rules 311-313. The information in this stipulation and waiver may be used against me if I am charged with Driving under the Influence (“DUI”), Homicide by vehicle, Homicide by vehicle while driving under the influence, Aggravated assault by vehicle, Aggravated assault by vehicle while driving under the influence, any offense under Title 75 Pa. C.S.A., otherwise known as the “Vehicle Code,” or related offense(s), including but not limited to any offense in which a prior conviction or finding beyond a reasonable doubt that I am guilty of this DUI results in increased punishment in the future offense. The stipulation may be used as evidence of a “prior conviction” for purposes of increasing the grading and penalty of any such future offense.

4. I understand that under the current law, if I commit a subsequent DUI offense, offense under the Vehicle Code or related offense, the Commonwealth is required to prove beyond a

reasonable doubt that I am guilty of this DUI for which I am being placed on ARD, in order to use this offense as a “prior conviction” for purposes of enhancing the grading and sentencing of any future subsequent DUI offense, offense under the Vehicle Code or related offense. I further understand that by agreeing to be placed into the ARD program, I am knowingly and voluntarily waiving my right to challenge in any future proceeding that this current DUI offense constitutes a “prior conviction” for purposes of enhancing the grading and sentencing of any subsequent DUI offense, offense under the Vehicle Code or related offense, and that by so agreeing, the Commonwealth will not be required further to prove beyond a reasonable doubt at any future proceeding that I am guilty of this current DUI offense in order for it to be considered a “prior conviction.” Therefore, if I am convicted of subsequent DUI offense, offense under the Vehicle Code or related offense, this ARD will be considered a “prior conviction” for sentencing purposes and I will be subject to increased mandatory sentences.

5. I admit under penalty of perjury to the facts set forth in the attached documents, including but not limited to the criminal complaint and laboratory report, would cause any reasonable judge or jury to find me guilty beyond a reasonable doubt of a violation(s) of 75 Pa. C.S. §3802 (DUI) as charged and indicated above in Section 1. I make this admission voluntarily and am aware of my right to refuse.

6. I hereby understand and agree that I will not be entitled to expungement of any investigative materials including but not limited to police reports, reports of any testing, and witness statements.

Defendant

Date: _____

Defense Attorney

Date: _____

Subscribed and Sworn to (or affirmed) before me this _____ day of _____, 20____.

District Judge or Notary Public