

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: OF THE 41ST JUDICIAL DISTRICT OF
: PENNSYLVANIA – PERRY COUNTY
vs. : BRANCH
:
: Docket No. CP-50-CR-_____
:
_____ :

STIPULATION AND WAIVER – RETAIL THEFT

1. I have applied for admission to the Accelerated Rehabilitative Disposition (“ARD”) program. This stipulation and waiver is not part of my ARD application/hearing, and is a condition of the ARD program pursuant to Pa.R.Crim.P. Rule 316. 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 2.
2. 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 retail theft in the future. The stipulation may be used as evidence of a “prior conviction” for purposes of increasing the grading and penalty of any such future offense.
3. I understand that under the current law, if I commit a subsequent retail theft offense, the Commonwealth is required to prove beyond a reasonable doubt that I am guilty of this retail theft 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 sentence of any future retail theft offense(s). 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 retail theft offense constitutes a “prior conviction” for purposes of enhancing the grading and sentence of any subsequent retail theft offense(s), and that by so agreeing, the Commonwealth will not be required to prove beyond a reasonable doubt at any future proceeding that I am guilty of this current retail theft offense in order for it to be considered a “prior conviction.” Therefore, if I am convicted of a future retail theft offense, this ARD will be considered a “prior conviction” for sentencing purposes and I will be subject to increased maximum penalties.
4. I understand that a component of the ARD program is accepting responsibility for my conduct. In that regard, I admit under penalty of perjury that the facts of this case are such that they would cause any reasonable judge or jury to find me guilty beyond a reasonable doubt of a violation of 18 Pa.C.S. § 3929 (Retail Theft). I make this admission voluntarily and am aware of my right to refuse.

5. I understand and agree that the Perry County District Attorney's Office and the arresting police department may retain copies of the criminal complaint, informations, ARD application, any investigative materials including but not limited to police reports, reports of any testing, video or audio files, and witness statements, and that these materials may be shared with other prosecutors and law enforcement agencies in any future criminal proceeding or investigation, even if I successfully complete the ARD program and receive an expungement from the Court.

_____ Date: _____
Defendant

Printed name of defendant: _____

Driver's License Number: _____ State: _____

Date of birth: _____

I, _____, Esquire, state that I have advised my client of the meaning of this document; that it is my belief that the defendant fully understands the above stipulation and waiver. Furthermore, I have discussed with my client any and all of the consequences of entering into this stipulation and waiver. I also attest to the fact that my client has signed the above document.

_____ Date: _____
Signature of Attorney for Defendant