Checklist and Instructions for Attorneys/Defendants

to Schedule a Remote (Video) ARD Hearing

With the recommendation of the District Attorney's Office your case has been assigned to the ARD Program. The date and time of your admission hearing are indicated on the subpoena you received at the time of your formal arraignment or ARD interview. Because of the national health emergency Court Administration has directed that all court hearings be held remotely.

During your ARD interview the costs associated with your case were explained. To qualify for acceptance into the ARD Program, the initial costs must be paid four (4) days prior to your ARD Hearing. Generally, they are \$250.00 for DUI and \$50.00 for other offenses plus restitution payments if any.

Payments can be made in person in room 114 on the first floor of the Allegheny County Courthouse or online by credit card using EPAY on the UJS Portal.

You and your attorney must log onto Microsoft Teams. It is highly recommended that you and your attorney log into the hearing from a common site to prevent delays due to timing and technical issues. If you intend to represent yourself (Pro Se), please call (412) 350-5527 immediately.

Approximately one week before your hearing you will receive the link for Microsoft Teams and instructions on its installation and any updates to your hearing.

REQUIREMENTS:

Access to a computer or a smart phone to install the software application "Microsoft Teams." There is no cost for the installation or use of Microsoft Teams.

Included in this packet are five documents:

ARD Instruction Sheet

General Rules for ARD Probationers*

ARD Colloquy*

Waiver of Rights and Consent to Entry into ARD by Video Conference *

Instructions for Using EPAY on the UJS Portal

The following documents MUST be signed, dated and returned by email to ardremotehearings@alleghenycourts.us: General Rules for ARD Probationers, ARD Colloquy, and Waiver of Rights and Consent to Entry into ARD by Video Conference. These documents must be received by the court four (4) days prior to your ARD Hearing. Any questions you may have regarding these documents can be answered by your attorney.

When you appear in Court via Teams, the Assistant District Attorney will read your docket number, name, charges, and the recommendation for your probation. The Judge will ask if you understand the ARD Program and are accepting the conditions of your probation. If you answer in the affirmative, the Judge will admit you to the program. Your hearing will then be complete. After the hearing you will receive a copy of the order admitting you to the ARD program, and you will either have an initial interview on the Teams call or later you will receive a telephone call from your probation officer further explaining the program and answering any questions you may have.

Explanation of ARD Proceeding

You are attending this proceeding today virtually to respond to certain charges that have been filed against you. Please be advised that the Constitution of the United States of America and the Constitution of the Commonwealth of Pennsylvania guarantee that you may have the right to a jury trial on these charges. If you were to go to trial, you would have the right to select from citizens of this community, Allegheny County. This jury must unanimously find you guilty or you will be acquitted.

You may also choose to be tried by a judge. The judge would sit as a trier of fact and, if you choose to go to trial, you would enter the courtroom clothed with the presumption of innocence. You must be proved guilty beyond a reasonable doubt by the evidence presented by the Commonwealth of Pennsylvania. The Commonwealth has offered you an alternative to going to trial, the Accelerated Rehabilitative Disposition (ARD) probation program. By accepting the ARD program, you are implicitly admitting that you have committed the offense with which you have been charged. Under the ARD program, you can earn a dismissal of these charges. To have these charges dismissed, you must agree to undergo a period of probation as ordered by the court. Probation is normally recommended by the district attorney for up to a period of two years. While you are on probation you must complete the requirements imposed by the court and all the conditions imposed by the Allegheny County Pretrial Services Department.

You must voluntarily waive the statute of limitations that attaches to the criminal act with which you have been charged, and you must give up your right to a speedy trial under any and all federal and state constitutional provisions, statutes or rules during the entire period of enrollment in the ARD program.

You must fully understand that by accepting the ARD program you voluntarily give up any claim of double jeopardy in the event your ARD probation is revoked by the Court.

To successfully complete your ARD probation program, and before these charges can be dismissed, you must present to your probation officer the following:

- 1. A receipt showing your fines and court costs have been fully paid;
- 2. A letter from your citizen sponsor stating that you have performed your volunteer service, if ordered;
- 3. Receipts for any and all payments of restitution ordered by the court;
- 4. A signed statement certifying that you have participated fully in any treatment program ordered by the court.

If you are charged with driving under the influence of alcohol, you must also present a certificate showing that you have undergone an alcoholic evaluation and any treatment found necessary, and that you have completed an approved alcohol safe driving program.

When your ARD probation program is successfully completed, the district attorney will notify this court and the charges against you will be dismissed by the court. However, if you fail to meet any of the conditions of your ARD program or violate your probation by committing another crime during the period of probation, your ARD probation shall be revoked and your case shall be listed for trial.

Please be advised that for those of you charged with a DUI who signed the document entitled Stipulation and Waiver regarding prior convictions, your successful completion of the ARD program shall be considered a first conviction for the purposes of computing whether a future conviction for a

violation of this statute shall be considered a second, third or subsequent conviction. Therefore, if you are again convicted with a DUI within the next ten (10) years, you could be sentenced to a maximum sentence of seven (7) years in jail upon your conviction.

Please note, for those of you who had your ARD interview before the PA Superior Court's ruling in *Commonwealth v. Chichken* the above section concerning calculating prior convictions does not apply to you.

During your remote ARD hearing you must listen to the recommendations of the Commonwealth that will be made by the assistant district attorney and be prepared to tell the court if you agree to comply with these proposed conditions of your probation.

If you have been arrested since your ARD interview, you must alert the court of the circumstances of this arrest immediately.

If you did not obtain an attorney and will be representing yourself during your ARD hearing, please know that you have the right to be represented by an attorney. If you cannot afford an attorney, one can be appointed for you by the court at no cost to you. If you would like to be represented by an attorney, please notify the court immediately.

If you have any questions concerning your rights or the ARD program, please notify the court of these questions immediately.

It is your responsibility to read the above in its entirety and notify the court if you have any questions or require clarification on any issue relating to your ARD hearing and ultimate ARD admission. By affixing your signature below, you acknowledge that you have read the above in full and require no further explanation of your rights. Your signature carries the same weight and significance had you been administered this colloquy personally by an assistant district attorney.

Signature, Date	Print Name, Date

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

	vs.
	Case No
Defend	
	WAIVER OF RIGHTS AND CONSENT TO ENTRY INTO ARD BY VIDEO CONFERENCE
1.	Do you understand that you have a right to appear in person before a judge when entering into ARD under Article 1, Section 9 of the Pennsylvania Constitution, as well as Pa.R.Crim.P. 602 (Presence of the Defendant)?
2.	Do you agree to waive your right to be physical present in a courtroom when you enter into ARD?
3.	Do you understand that your court appearance will occur by video or telephonic conference?
4.	Do you understand that you will not be able to appeal your entrance into ARD based upon you not being physically present in court?
5.	Do you consent to the judge accepting your entry into ARD and imposing the terms and conditions of your ARD probation via video or telephonic conferencing?
6.	Do you understand that you have a right to confront your accusers, question witnesses, and secure the presence of various witnesses?
7.	Do you understand that your entry into ARD will occur without requiring the police officers, witnesses and/or victims in your case to appear in court?
8.	Do you understand that the witnesses, victims, and/or police officers in your case will not be present in court, will not be subpoenaed, will not be called testify, and will not participate in the video or telephonic conference?
9.	Do you understand that, if you had elected to exercise your right to a trial, the in-person testimony of these witnesses could be necessary to prove your guilt beyond a reasonable doubt?

10.	Do you understand that if necessary witnesses did not appear at your trial listing, there is a possibility your case would be dismissed?
11.	Do you understand that by entering into ARD, you will not be able to raise on appeal or withdraw your entry into ARD based on the fact witnesses were not present?
12.	Your decision to waive your right to be physically present in the courtroom must be knowingly, intelligently, and voluntarily made. If anyone has promised you anything to waive your physical presence, entry into ARD will be rejected. If anyone has forced you or attempted to force you to waive your physical appearance, entry into ARD will be rejected. Do you fully understand this?
13.	Has anyone forced you to waive your physical appearance in the courtroom?
14.	Are you waiving your physical appearance in the courtroom of your own free will?
15.	Have any threats been made to you to waive your physical appearance in the courtroom?
16.	Has anyone (including your attorney) promised you anything in exchange for waiving your physical presence in the courtroom?
17.	Have you discussed with your attorney your right to appear in person for your entry into ARD?
18.	Are you satisfied with the legal advice and representation of your attorney?
	Do you have any physical or mental illness that affects your ability to understand the rights you are waiving?
20.	Are you presently taking any medication which affects your thinking or free will?
21.	Do you understand the rights you are waiving today?

I AFFIRM THAT I HAVE READ THIS DOCUMENT IN ITS ENTIRETY, ANSWERED ALL OF THE QUESTIONS TRUTHFULLY, AND FULLY UNDERSTAND EACH STATEMENT.				
Defendant – SIGNATURE	Date Signed			
Attorney Certification				
I certify that I am an attorney admitted to practice law by the Supreme Court of Pennsylvania and represent the defendant herein. I have reviewed the above document with the defendant and the answers recorded belong to the defendant. I made no threats or promises to the defendant to execute this document. I know of no reason that the defendant cannot and is not knowingly, intelligently, and voluntarily waiving his or her physical presence and waiving the presence of the witnesses / victims in this case.				
I certify that this filing complies with the provisions of the <i>Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts</i> that require filing confidential information and documents differently than non-confidential information and documents.				
Defense Counsel	Date			
Attorney No.:				

Credit/Bank Cards Accepted:*



Need more details?

Additional information on how to use the PAePay online case payments site is available in the User Guide. Access the User Guide by opening the PAePay page and clicking on the Help link in the upper-right corner. The User Guide also provides additional provisions of the PAePay system and troubleshooting recommendations.

Please note that due to the technology used in creating the site, using Internet Explorer 11 and above is recommended. The use of pop-up blockers may prevent the site from working properly. The reporting functions on the site require Adobe Acrobat Reader.

Important Information

Please review the following information:

- Not all cases can be paid through PAePay. Therefore, you
 may have other outstanding financial obligations with the
 courts of the Commonwealth of Pennsylvania that do not
 appear in PAePay.
- Individual courts may restrict certain individuals or cases from online payment. Certain types of cases will also be restricted from online payment.
- Failure to pay your amount due on any cases or payment plan may not prevent further court action and could result in the issuance of a warrant or suspension of your driver's license. When making a payment, if you cannot pay in full, your total payment must still be satisfied by any court mandated due date.
- The processing of payments is dependent upon the individual court to which the payment has been made. Please submit any payments that are time-sensitive with enough time to process the payments. Payments submitted without sufficient processing time may not prevent further court action.
- Only Traffic, Non-Traffic, Summary, Summary Appeal and Criminal cases can be paid through PAePay. If you choose to plead not guilty to a traffic citation, you must attend a hearing and you will not be able to use PAePay until the case is fully disposed.

Any questions regarding your cases, payment obligations, and due dates should be directed to the court where the case was filed.



Online Case Payments

From Pennsylvania's UnifiedJudicialSystem

The PAePay® online case payments site allows the public to securely make payments on cases and payment plans with outstanding balances in the Commonwealth of Pennsylvania's Common Pleas and Magisterial District courts. Payments are accepted using Visa, MasterCard, Discover and American Express, as well as by ATM/Debit cards.

This brochure will demonstrate the basic steps for making a payment on a case or payment plan online.



AOPC

Administrative Office of Pennsylvania Courts

Need more help? Click Help & Support to find help topics and tutorials.

Help & Support

Help Center

Reference Documents

Video Tutorials

Ready to get started?

Log onto https://ujsportal.pacourts.us and click on Fines, Costs, & Restitution under the Pav Online menu!

Pav Online

Fines, Costs, & Restitution
Bail
State Probation/Parole Fees

^{*} For your protection, credit/debit card information is not saved when processing an online payment through the PAePay system. 8.21.20

Making the Payment - Basic Steps

Searching for cases and payment plans on which to make a payment

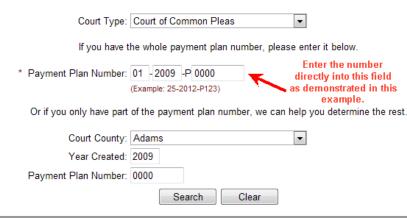
- When the online payment page opens, there are several options available to search for the case you are looking for. To begin the search, click on the link for the type of search you want to perform. You can search by Citation Number, Payment Plan Number, Docket Number, name of the person, or organization/company on the case. Please note that payments can only be accepted online for court offices that have chosen to participate. For a full list of participating counties and court offices, please visit the website. If a court office is not participating, check back occasionally or contact the court office. Additional counties and court offices will be added as their systems are upgraded.
- On the next screen, select the court where the case was filed (for example, Court of Common Pleas or Magisterial District Court).

If searching by Citation Number, Payment Plan Number or Docket Number, there is a field available to search directly by that number. Enter the number in that field.

OR

If searching by name, enter at least the Last Name and First Name. Enter additional information in the remaining fields to return fewer results in the search.

After entering the information for the search, click SEARCH.



Adding cases or payment plans to the shopping cart?

When cases or payment plans are displayed, select the checkboxes for each case or payment plan that you want to make a payment. Click ADD TO CART to go to the shopping cart.



Making a payment on the cases or payment plans in the shopping cart

If making a payment on an undisposed Traffic case, you will need to click ACCEPT in order to proceed to the shopping cart. This will enter a plea of guilty on the case.

In the shopping cart, enter the Amount to Pay for each case or payment plan. Click CHECKOUT to proceed to make the payment.



The US Bank E-Payment Service site opens and displays the summary of what you have selected for payment. Enter your Contact Information. Select your Payment Method and enter the card information. Select whether to use your contact information for the billing address or use a different address. If needed, enter your billing address. Click CONTINUE. On the last screen, review the details of the transaction and click CONFIRM. A convenience fee of \$2.75 will be added to your total payment amount. You will receive a confirm ation. Print the confirmation for your records.

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA PRETRIAL SERVICES DEPARTMENT

ARD/ PRETRIAL SUPERVISION

564 FORBES AVE – 4TH FLOOR PITTSBURGH PA 15219 (412) 350-4632 FAX (412) 350-3469

GENERAL RULES FOR ARD PROBATIONERS

As a result of your acceptance into the Accelerated Rehabilitative Program (ARD), you have been placed on a period of probation. Your probation officer will be assigned on the day you are accepted into the ARD Program. If you are unsure who your probation officer is, call (412)350-4632.

If you are convicted of a crime committed while on probation or if you violate any of the conditions of your ARD probation, a violation report will be sent to the Court, a violation hearing will be scheduled, and you could be revoked from the ARD Program.

Should a problem arise, or questions occur concerning the conditions of your probation, consult with your probation officer, as it is his/her responsibility to help you in the interpretation of the requirements and conditions of your ARD probation

- 1. You must report to your probation officer as instructed. Should you be unable to report, notify the Pretrial Services Department at once by letter or telephone and make the necessary arrangements to report.
- 2. You must notify the Pretrial Services Department at once of any change of address or employment. You will make every effort to obtain and maintain employment and meet your financial responsibilities, by making monthly payments to the Department of Court Records for fines, costs, and restitution.
- 3. You will be on good behavior and comply with all municipal, county, state and federal criminal laws and with any instructions given to you by the Pretrial Services Department.
- 4. You will abstain from the unlawful possession, use, or sale of illicit drugs and all intoxicating beverages. You will be required to undergo urinalysis if directed by the Pretrial Services Department during your probation period.

hereby acknowledge that I have read, or have had read to me, the foregoing rules of my ARD probation. I ully understand them and agree to follow them. Also, I fully understand the penalties involved should I, in nanner, violate them.		
Print Name	Defendant Signature	
	Date	



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA ALLEGHENY COUNTY COURT OF COMMON PLEAS PRETRIAL SERVICES

564 FORBES AVENUE, 4TH FLOOR, PITTSBURGH, PA 15219 TELEPHONE: 412-350-4632 ● FACSIMILE: 412-350-3469

ARD Probation Information

Your probation under the Accelerated Rehabilitative Disposition (ARD) program is effective today. Your Allegheny County Pretrial Services Probation Officer is indicated below:

Dan Trbovich	412-350-2347 (Alternatives) DTrbovich@alleghenycourts.us	Reginald Robinson	412-350-2334 (Non-DUI) robinsonr@alleghenycourts.u:
Tim Dugan	412-350-2351 (Out of County) timothy.dugan@alleghenycourts.us	Chris Boyko	412-350-2352 (Mon Yough) cboyko@alleghenycourts.us
Jody Reola	412-350-6959 (Mercy/ WPIC) Jody.reola@alleghenycourts.us		

ALL OFFENSES

ARD Probation Rules

- Your probation officer is required to submit a violation report and schedule a hearing with the court for any
 of the following:
 - 1. Failure to complete all court-ordered stipulations by the end of your probation;
 - 2. Failure to report, if directed;
 - 3. Failure to pay all fines, costs and restitution as directed; or
 - 4. The consumption of alcohol or illegal substance(s).
- Contact your probation officer immediately if any of the following occur:
 - 1. Your address or telephone number changes;
 - 2. You are arrested for a new offense while on probation.

ARD Fines/Costs/Restitution

• Court fines, costs and restitution are to be paid either in person or by mail to:

Department of Court Records Allegheny County Courthouse 436 Grant Street, Room 114 Pittsburgh, PA 15219

OR, paid online at www.ujsportal.pacourts.us.

- If you have been court ordered to pay restitution, monthly payments are required.
- Payments in the form of cash or money orders are accepted. Personal checks are not accepted.
- If you have questions regarding fines, costs or restitution, you may contact the Department of Court Records at 412-350-6073.

Community Service

- <u>Individuals ordered by the court to perform community service</u> must advise their probation officer of the name and address of the non-profit agency for which the community service is being performed.brid
- You must keep a record of your community service hours and obtain a signature from an individual in authority confirming service hours completed.
- Upon completion of your community service obligation, documentation confirming your service hours must be submitted to your probation officer either by fax 412-350-3469 OR by U.S. Mail to:

Allegheny County Pretrial Services Attention: (Your probation officer's name) Manor Building 564 Forbes Avenue, Suite 400 Pittsburgh, PA 15219

DUI OFFENSES ONLY

Docket/CC #:	
CRN Appointment:	
	at
(date)	(time)

Requirements & Treatment

- Individuals placed on ARD as a result of a DUI are required to undergo an evaluation at one of two locations; the Manor Building (Downtown) or the Highway Safety Office (North Hills). This evaluation is mandated by the Commonwealth of Pennsylvania and is known as a Court Reporting Network (CRN) (pronounced "crin") Evaluation. Payment for the CRN Evaluation is not required at the time of your appointment but is required to be paid before the completion of your probation as part of your court costs and fines. You must call 412-350-4632 with your Docket/CC # available, Monday through Friday, between the hours of 7:30 A.M. and 4:30 P.M., to schedule your CRN Evaluation.
- Once your CRN Evaluation is completed, a Drug and Alcohol Assessment may be required, and further
 treatment may be deemed necessary for the successful completion of your probation. Drug and alcohol
 treatment costs are payable at the agency to which you will be assigned.
- DUI offenders participating in the ARD program are required to complete a minimum of 12.5 hours of Alcohol Highway Safety School. You will be provided Alcohol Highway Safety School instructions upon completion of your CRN Evaluation.

Driver's License Suspension

- You will be notified by the Pennsylvania Department of Transportation (PennDot), via U.S. Mail, of your driver's license suspension approximately 4 to 6 weeks after your ARD hearing.
- Upon receiving your suspension notice from PennDot, you must acknowledge the suspension by relinquishing your driver's license to PennDot in accordance with PennDot instructions.
- Credit for your license suspension begins upon PennDot's receipt of your license. Failure to surrender your license timely will extend the length of time your license is suspended.
- If you are cited for driving while your license is suspended, you will be in violation of Pennsylvania Vehicle
 Code §1543 <u>Driving while operating privilege is suspended or revoked</u>, and subject to incarceration and
 fines.
- You will be required to pay a \$70.00-\$100.00 fee to PennDot in order to have your license restored. PennDot will provide information regarding payment of this obligation to you via U.S. Mail. PennDot will accept a personal check.
- If you have questions regarding license suspension, you may reference information at the PennDot website at www.dot.state.pa.us.

Act 122

- If you are receiving ARD for a DUI offense a second time, PennDot will consider you to be an Act 122 client.
 ACT 122 of 1991, as passed by legislature, provides the following requirements <u>must be completed before your Pennsylvania driver's license will be returned to you</u>.
 - 1. Court costs, fines and restitution must be paid in full before your driving privilege will be restored. (If you are sentenced to a 60 day suspension and you have not paid your fines, costs and restitution in full within those 60 days, your suspension will continue until you have satisfied this obligation.)
 - 2. Alcohol Highway Safety School classes must be completed and the costs thereof paid in full.
 - 3. Any required treatment (drug & alcohol) must be completed and the costs thereof paid in full.
- Once your requirements are completed and all fines and costs have been paid in full, contact the Department
 of Court Records, Division of Licensing, at 412-350-6066 in order to have your driver's license restored.

APPOINTMENT RESCHEDULING

If an emergency arises requiring the rescheduling of your CRN Evaluation appointment, you must telephone 412-350-4632 to reschedule. You will not be charged a fee for your first request to reschedule. A fee in the amount of \$25 may be charged for subsequent rescheduling requests.

CRN EVALUATION OFFICE DIRECTIONS

DOWNTOWN OFFICE

Pretrial Services
Manor Building
564 Forbes Avenue, 4th Floor
Pittsburgh, PA 15219

From the Grant Street exit of the Courthouse:

Exiting the Courthouse, walk LEFT onto Grant Street and then make an immediate LEFT onto Forbes Avenue. Continue across Ross Street (behind the Courthouse), and proceed to the Manor Building at 564 Forbes Avenue which is on the right side of Forbes Avenue. Take the elevator to the 4th floor and report to the window marked, "Alcohol Highway Safety Program, CRN Evaluation Services."

NORTH HILLS OFFICE

Pretrial Services
5300 Perry Highway
Pittsburgh, PA 15229
(Corner of Perry Highway and Center Avenue)

From North: Take 279 South to the Perrysville Avenue exit (Exit 5). At the traffic light turn left onto Perry Highway (Route 19N). Pass the Park & Ride (on left). At Center Avenue make a right, and then an immediate left into the North Hills Office parking lot.

From South: Follow Route 51 North through the Liberty Tunnels and follow the signs for Veterans Bridge/579 North which will become Route 279 North. Continue along 279 North to the Perrysville Avenue exit (Exit 5). At the stop sign turn right and stay in the left lane. At the traffic light turn left onto Perry Highway (Route 19N). At Center Avenue make a right, and then an immediate left into the North Hills Office parking lot.

From East: Take 376 through the Squirrel Hill Tunnels. Exit onto the Boulevard of the Allies and follow the signs for Veterans Bridge/579 North which will become Route 279 North. Continue along 279 North to the Perrysville Avenue exit (Exit 5). At the stop sign turn right and stay in the left lane. At the traffic light turn left onto Perry Highway (Route 19N). At Center Avenue make a right, and then an immediate left into the North Hills Office parking lot.

From West: Take 60 East through the Fort Pitt Tunnels. Follow the signs for 279 North. Continue along 279 North to the Perrysville Avenue exit (Exit 5). At the stop sign turn right and stay in the left lane. At the traffic light turn left onto Perry Highway (Route 19N). At Center Avenue make a right, and then an immediate left into the North Hills Office parking lot.