

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
: ADAMS COUNTY, PENNSYLVANIA  
v. :  
: No. CP-01-CR-

**STIPULATION AND WAIVER DUI**

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, but 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, stipulation, and/or waiver 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 Driving under the Influence (“DUI”) or related offense(s) 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 DUI 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 DUI 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 DUI offense constitutes a “prior conviction” for purposes of enhancing the grading and sentencing of any subsequent DUI 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 DUI offense in order for it to be considered a “prior conviction.” Therefore, if I am convicted of a future DUI offense, this ARD will be considered a “prior conviction” for sentencing purposes and I will be subject to increased mandatory sentences.

4. I admit under penalty of perjury to the facts set forth in the attached document that would cause any reasonable judge or jury to find me guilty beyond a reasonable doubt of a violation of 75 Pa. C.S. §3802 (DUI). I make this admission voluntarily and am aware of my right to refuse.

5. 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: \_\_\_\_\_