

ARD Request Procedures Philadelphia District Attorney's Office

Effective June 1st, 2014*

Misdemeanor Cases

Defense counsel must make an ARD request at or before the 1st trial listing. **ARD requests will not be considered if the request is not made at or before the 1st trial date.** If defense counsel litigates any pre-trial motions, the defendant will not be eligible for the ARD program.

Felony Cases

Defense counsel must make an ARD request at least ten days before the 2nd preliminary hearing date. **The defendant must waive his right to preliminary hearing in order to be considered for the ARD program.** If the defendant proceeds with a preliminary hearing or litigates any pretrial motions, the defendant will not be eligible for the ARD program.

* Active cases with arrests pre-dating June 1st, 2014 will still be eligible for ARD consideration; however, they must be submitted to the District Attorney's Office for consideration by July 1, 2014 or before their next court date if that date is later.

Reconsideration

Should additional information be made available to defense as it relates to specific reasons why a case was rejected for ARD, the District Attorney's Office will reconsider ARD on a case-by-case basis.

ARD Consideration Process

Defense counsel must email its ARD request to DA_ARD@phila.gov and include the following information in the email.

- a. Name and PP# of defendant
- b. MC# for the case and court date/courtroom information for next listing
- c. Explain in detail why the defendant should be considered for the ARD program
- d. Defendant's prior criminal history, including arrests, prior ARD or diversionary programs and convictions. This includes your client's contacts in other counties and other states.

Please note: If the District Attorney's Office **tentatively** agrees to ARD for your client; the defendant will not officially enter the ARD program until all the necessary background checks are completed, including a CRN evaluation for DUI cases. It is necessary for you to be forthcoming and complete when informing our office about your client's prior record, including his out-of state record, prior ARD's and the status of his license (for DUI's). If upon further investigation and after a CRN evaluation is complete it becomes clear that the defendant has prior criminal arrests, prior ARD's or convictions that were not disclosed to the DA's Office, or if your client's license was suspended (or the client did not have one) the ARD offer will be rescinded.