

COURT OF COMMON PLEAS
26TH JUDICIAL DISTRICT
COLUMBIA/MONTOUR COUNTIES

CRIMINAL CASE MANAGEMENT PLAN

Revision: August 11, 2023

PRESIDENT JUDGE GARY E. NORTON

I. JUDICIAL COMMITMENT TO CASE FLOW MANAGEMENT

The Court should help expedite and effectuate the fair and prompt disposition of all cases, as well as assure effective and efficient use of Court resources paid for by taxpayers. Our success is attributable to the commitment to this principle by each Judge, Magisterial District Judge (“MDJ”), and Court and County staff of the 26th Judicial District.

Goal setting provides objectives and a benchmark by which success can be measured. The Court must meet reasonable time standards for the processing and prompt disposition of standard types of cases in terms of their nature and legal issues.

II. EFFECTIVE COMMUNICATIONS WITH THE BAR AND POLICE

The Court shall coordinate scheduling of cases and shall make reasonable accommodations to prosecuting attorneys, defense attorneys, and law enforcement personnel in the management of cases. Operative scheduling should allow the District Attorney (“DA”) and Public Defender (“PD”) Offices to provide full coverage efficiently.

III. EARLY AND CONTINUOUS COURT SUPERVISION OF CASE PROGRESS

Court personnel (MDJs, Court Administration, and Common Pleas Judges) shall monitor the progress of cases from the time a summons or complaint is filed to ensure movement of cases to disposition, eliminating unnecessary delay and additional costs of prosecution. At the Common Pleas level, this may include, but is not limited to, the conduct of the Call of the List, Case Management Conferences and/or Pretrial Conferences. Mere agreement of counsel/parties is not sufficient grounds for the Court to grant continuances. When a continuance is granted, the matter should be continued to a specified date, unless the matter is not or cannot be mandated (e.g., a guilty plea).

IV. EVENT-DATE CERTAINTY

Reasonable certainty about event dates avoids aggravation, waste and unnecessary cost to the parties and their attorneys. Nothing promotes pretrial dispositions more than the expectation that a trial is more likely than not to occur on or near the scheduled date. Events shall be scheduled at the Magisterial District Court level with notice given to attorneys/parties of all event dates and times, assuring case flow and expeditious case dispositions.

The 26th Judicial District Court Calendar (the “Court Calendar”) is published in the fall of the preceding year, and sets forth trial terms and other events. DA attorney staff, PD attorney staff and private defense counsel shall be available and are hereby attached for all trial terms and such attorneys shall mark their schedules accordingly.

V. A FUNCTIONAL CASE MANAGEMENT INFORMATION SYSTEM

A fully automated court computer system shall provide relevant, accurate, and timely case information, supporting an efficient case management plan by tracking and maintaining cases and events. The Clerk of Courts shall exercise due efforts to implement a full electronic filing system which is fully accessible by court staff, parties, attorneys and the public. In the absence of movement toward this goal, the President Judge may mandate the implementation of this goal by a date certain.

VI. TIME STANDARDS AND CASE MANAGEMENT CRITERIA

Standard types of criminal cases shall be processed and scheduled in accordance with the time-disposition goals listed in Exhibit 1 (“26th Judicial District Time Standard Goals for Disposition of Criminal Cases”) and below, and as diagrammed on the attached Exhibit “2” (“26th Judicial District Criminal Optimal Case Flow Chart”).

The following time-disposition goals apply:

1. Preliminary hearing/waiver - 98% within 30 days of complaint, if case initiated by arrest; 98% within 50 days of complaint if by summons;
2. Court “Formal Arraignment” - 98% within 40 days of preliminary hearing/waiver;
3. ARDs and Guilty Pleas - 98% within 90 days from Formal Arraignment;
3. Trials - 90% within 230 days of complaint; 98% within 300 days (incarcerated defendants must be tried within 180 days, excluding defense continuances);
4. Sentences - 90% within 60 days of guilty plea or verdict; 98% within 80 days.

Ensuring matters come to trial within the time limitations prescribed by Pa.R.Crim.P. 600, and sufficient advance communication to the Court of trial needs for such compliance, are the responsibility of the District Attorney.

The 26th Judicial District is divided into five Magisterial District Courts, four in Columbia County and one in Montour County. The scheduled preliminary hearings shall not conflict with Common Pleas Court Criminal Routine days as published on the Court Calendar. The MDJs shall review the Court Calendar to effect the aforementioned directive.

All preliminary hearings for misdemeanor and felony cases shall be scheduled in clusters on days specifically set aside by the MDJ office in conjunction with the DA and PD offices. For Example:

1. MDJs from District 3-2 (Berwick) and District 2-1 (Bloomsburg) schedule Preliminary Hearings for one full day on Monday, Tuesday, or Wednesday (and any additional day or part of a day if necessary).

2. MDJs from District 3-1 (Millville) and District 3-3 (Catawissa) schedule Preliminary Hearings on Monday, Tuesday, or Wednesday (and an additional day or part of a day if necessary), with one MDJ Office in the morning and one in the afternoon. The Montour County MDJ shall schedule hearings in clusters as needed. [*Adjustment can be made if necessary if done within the spirit of this Order and in consultation with the Court Administrator.]

A. PRELIMINARY ARRAIGNMENT BEFORE MDJ:

1. If a defendant is brought before an MDJ on an arrest warrant or if a summons is issued, he/she will receive, in addition to the other required papers, the following:

(a) the Criminal Complaint and Probable Cause/Arrest Warrant Affidavit;

(b) the Magisterial District Court Cover Letter with Notice of Preliminary Hearing (Exhibit 3);

(c) the Court Guidelines for Public Defender Services for the 26th Judicial District (Exhibit 4) -- The MDJ shall advise the defendant to read the Guidelines carefully and contact the PD's Office for an appointment if the defendant believes he/she qualifies;

(d) the Notice of Accelerated Rehabilitative Disposition Program (the "ARD Notice") (Exhibit 5), the District Attorney Notice of ARD Program (Exhibit 6), the District Attorney Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition Program (the "ARD Questionnaire") (Exhibit 7), the Prior Criminal Record Statement (Exhibit 8) and the Explanation of Accelerated Rehabilitative Disposition Program (ARD) and Waiver of Rights Form (Exhibit 9) (collectively, the "ARD Forms") (May be given alternatively at Preliminary Hearing); and

(e) the Treatment Court Application Directions (Ex. 14), if applicable in the judgment of the MDJ, the defendant, the defense attorney, the DA, the prosecuting officer or other appropriate person. Applications can be obtained thru the MDJs', DA's, PD's or Director of Court Programs offices.

2. Defendants should review the ARD Notice and, if they think they otherwise qualify, the defendant may complete the ARD Questionnaire (Exhibit 7), the Application for ARD form and the Prior Criminal Record Statement (Exhibit 8) and bring said forms to the Preliminary Hearing at the MDJ's Office (May be done at Preliminary Hearing).

3. ARD/CRNs – Defendants who may qualify for ARD shall be given the aforementioned ARD Forms by the MDJ at time of preliminary arraignment or at the preliminary hearing with written procedures to be provided by the DA as to how to proceed. If the case is a DUI case, the written instructions shall also include the procedure for securing a CRN and, if required, a Full Assessment. Included on all DUI information sheets shall be the following phrase in bold type (May be done at Preliminary Hearing):

“Prior to sentencing and/or ARD disposition, defendant shall obtain an evaluation using Court Reporting Network instruments issued by the Pennsylvania Department of Transportation (i.e., a CRN evaluation) and, if required by 75 Pa.C.S.A. §3814(2), a full assessment for alcohol and drug addiction to determine the extent of the defendant’s involvement with alcohol or controlled substances and to assist the court in determining what sentencing, probation or conditions of accelerated rehabilitative disposition would benefit the defendant or the public.”

B. PRELIMINARY HEARINGS BEFORE MDJ:

1. Entry of Appearance:

(a) The attorney representing the defendant at a preliminary hearing shall sign an Entry of Appearance and provide it to the MDJ before beginning the preliminary hearing. Unless the attorney is a PD, the defendant’s attorney may limit his/her representation to the preliminary hearing on the Entry of Appearance form.

(b) The MDJ shall transmit the Entry of Appearance with the docket transcript to the Clerk of Courts to be filed of record.

2. An attorney with the DA’s Office shall be assigned to conduct the prosecution of all preliminary hearings, are hereby attached and shall appear for the same. An attorney with the PD’s Office shall be assigned to be present at the MDJ offices during all preliminary hearings, are attached and shall be present during the same and are hereby attached to represent defendants who are eligible for public defender services at such preliminary hearings per the Court Guidelines for Public Defender Services (Exhibit 4). The same prosecuting and defense attorney should handle the case from preliminary hearing through trial or final disposition.

3. A significant percentage of cases result in ARD or guilty plea stipulations. In order to accelerate negotiation and avoid needless delays, the following shall occur at the preliminary hearing:

(a) The DA shall provide the defense attorney with a copy of all police reports and shall enlist the assistance of police departments in timely completion of such reports and supplemental reports and provision to the defense attorney;

(b) The defendant, as part of the negotiation process, shall sign a Prior Criminal Record Statement (Exhibit 8) if the defendant seeks a plea agreement at that time. The DA may refuse to provide a plea offer to less than all charges if the defendant does not complete Ex. 8 (Prior Criminal History); and

(c) In most cases, after consulting with the arresting police officer, and reviewing the Criminal Complaint and Affidavit, the DA should know the nature of the case, the proof and any shortcomings at the preliminary hearing stage. In the vast majority of cases, the DA should make an Offer of Disposition (Exhibit 10) and tender the same to defense counsel or a pro se defendant at the preliminary hearing. If ARD is offered by the DA and sought by a defendant, all of the ARD Forms (Item IV.A.1.(d), above, plus the actual ARD Application) shall be completed by or on behalf of the defendant and submitted to the DA.

C. SCHEDULING AND PROCEDURES AT THE TIME OF THE PRELIMINARY HEARING:

1. A Criminal Case Scheduling Information form (Exhibit 11) shall be completed by the DA at the preliminary hearing and shall be submitted to the MDJ or the MDJ staff. After each preliminary hearing/waiver, the MDJ Office shall provide the defendant with the Criminal Case Scheduling Information form. This form lists the Arraignment date and the next Call of the List date. The original of the Criminal Case Scheduling Information form shall be forwarded by the MDJ with the docket transcript to the Clerk of Courts or Court Administrator with copies provided to the defendant and defense counsel.

2. A Waiver of Arraignment Form (Exhibit 12) shall be signed by the defendant and defense counsel at the preliminary hearing if the defendant is waiving his/her Formal Arraignment.

3. When a DUI ARD has been negotiated, telephonic arrangements shall be made by a staff member of the MDJ Office to schedule a Court

Reporting Network (CRN) evaluation at CMSU or another provider. The defendant shall be provided with a written Notice of the Procedure for CRN Evaluation Form (Exhibit 13) indicating the scheduled date and time. The defendant shall acknowledge receipt of the form with his/her signature.

D. COMMON PLEAS SCHEDULING:

1. Cases shall be assigned by the President Judge and Court Administration to each Common Pleas Judge per the Court Calendar and per case.

E. ARRAIGNMENT AT COMMON PLEAS LEVEL:

1. Formal Arraignments shall be scheduled within 40 days from preliminary hearing/waiver and within 10 days after the filing the criminal information. Waiver of Arraignment forms (Ex. 12) setting forth matters as required by the Rules of Criminal Procedure shall be executed when elected to be used.

F. COURT RULINGS ON MOTIONS:

1. After assignment of a motion to a Judge, said Judge and the Court Administrator shall monitor the status of such motions.

2. Semi Annual Reports -- Pursuant to Pennsylvania Rule of Judicial Administration 703, each Judge is responsible to report on matters submitted and undisposed of for 90 days or more.

G. PRETRIAL CONFERENCES:

1. Pretrial conferences shall be held on all cases with respect to which a trial was declared at the Call of the List, or with respect to those cases declared for guilty plea at the Call of the List but which were not the subject of a guilty plea before jury selection. Pretrial Conferences shall generally be held the day before jury selection and defendants and defense counsel shall attend. If a defendant does not attend, a bench warrant may be issued for the defendant.

For those defendants who, at the Call of the List, declared an intent to plead guilty, but who exercise their right to choose not to plead guilty, such declaration of an intent to plead guilty shall be deemed a waiver of Rule 600 for that trial term due to their expressed intent to plead guilty and not to proceed to trial for that trial term. Nonetheless, such defendants must attend the Pretrial Conference, as said event would be the only

event in such cases to require a defendant's appearance to ensure that he or she has not absconded (Also because of the fact that, if defense counsel attends the Call of the List, the defendant is not required to attend the Call of the List).

H. SENTENCINGS:

1. Many sentences should be imposed at time of plea, if reasonable, possible and consistent with the Victim's Rights Act. If sentences are not imposed at the time of plea, cases shall be scheduled for sentencing approximately 60 days after a guilty plea or verdict, generally as soon as a Presentence Investigation Report is generated. Sentences may be imposed by a Judge other than the Judge who took the guilty plea or plea of nolo contendere if exceptional circumstances exist pursuant to Pa.R.Crim.P. 700A. The court may create a local rule per Pa.R.Crim.P. 700B. to generally permit a Judge to pronounce sentence if that Judge was not the Judge who heard the guilty or nolo plea. Until such a rule is adopted; the sentencing Judge shall be generally be the Judge who took the plea, except as otherwise permitted by Pa.R.Crim.P. 700A.

I. DISMISSAL AND EXPUNGEMENT:

1. At the end of each month, the Adult Probation Office shall prepare a list of all cases and defendants who have successfully completed the ARD Program during the month and shall provide said list to the DA.

2. If the DA objects to the automatic expungement, the DA shall follow the procedure set forth in Pa.R.Crim.P. 320(b).

3. The DA shall review the list, shall make notation on the list of any case(s) in which objections will be filed, shall otherwise approve the list by initialing it, and shall forward it to the Court Administrator.

4. In all cases where no objections are noted, the Adult Probation Office shall forward the Order of Dismissal to the appropriate Judge. After filing the same, the Adult Probation Office shall prepare the Expungement Orders and Letters and the Clerk of Courts shall expunge the cases from the public access screens of the Court Computer Database System after the thirty (30) day objection period expires.

5. The Court and/or other offices as prescribed by law shall maintain a confidential list of completed expungement cases.

Exhibits (next page)

EXHIBITS:

1. 26th Judicial District Time Standard Goals For Disposition of Criminal Cases
2. 26th Judicial District Optimal Criminal Case Flow Chart
3. Magisterial District Court Cover Letter with Notice of Preliminary Hearing
4. Court Guidelines for Public Defender Services for the 26th Judicial District
5. Notice of Accelerated Rehabilitative Disposition Program
6. District Attorney Notice of Accelerated Rehabilitative Disposition (ARD) Program (one for Columbia and one for Montour Counties)
7. District Attorney Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition
8. Prior Criminal Record Statement
9. Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form
10. Offer of Disposition (one for Columbia and one for Montour Counties)
11. Criminal Case Scheduling Information form (one for Columbia and one for Montour Counties)
12. Waiver of Arraignment form (one for Columbia and one for Montour Counties)
13. Procedure for CRN Evaluations form
14. Treatment Court Application Directions
15. Preliminary Arraignment & Preliminary Hearing Checklist

26TH JUDICIAL DISTRICT TIME STANDARD GOALS
FOR DISPOSITION OF CRIMINAL CASES

<u>Crime Grade</u>	<u>From Compl.- Incarcerated</u>	<u>From Compl.- Not Incarcerated</u>
Felony	90% within 150 days 98% within 180 days	90% within 180 days 98% within 300 days
Misdemeanors	90% within 150 days 98% within 150 days	90% within 180 days 98% within 300 days
Summaries		90% within 60 days 98% within 100 days
Summary Appeals		90% within 90 days 98% within 120 days

“EXHIBIT 1”

26th JUDICIAL DISTRICT OPTIMAL CRIMINAL CASE FLOW CHART

ARREST OR
COMPLAINT
FILED



	PRELIMINARY HEARING WITHIN 30 DAYS IF INITIATED BY COMPLAINT; WITHIN 50 DAYS IF INITIATED BY SUMMONS	FORMAL ARRAIGNMENT: WITHIN 40 DAYS OF PRELIMINARY HEARING	ARDs AND GUILTY PLEAS: WITHIN 90 DAYS OF FORMAL ARRAIGNMENT	JURY SELECTION AND TRIAL: WITHIN 160 DAYS OF FORMAL ARRAIGNMENT	SENTENCING: WITHIN 60 DAYS AFTER GUILTY PLEA OR VERDICT
	DAY OF WEEK SCHEDULED BY MDJ AS APPROVED BY CT. ADMIN.	PER COURT CALENDAR			
TIME ↗ START	+/- 30 DAYS ↗	+/- 70 DAYS ↗	+/- 160 DAYS ↗	+/-230 DAYS ↗	+/-290DAYS ↗

"Exhibit 2"

**26TH JUDICIAL DISTRICT
COLUMBIA/MONTOUR COUNTIES
MAGISTERIAL DISTRICT NO. _____**

Date: _____

Dear Sir/Madam:

You have been summoned to appear for a Preliminary Hearing at:
_____ on
_____, 20 ____ at _____ o'clock ____ .M.

Enclosed please find the following forms:

1. Criminal Complaint and Arrest Warrant Affidavit
2. Notice of Preliminary Hearing
3. Public Defender Guidelines for the 26th Judicial District

Examine the enclosed Public Defender Guidelines for the 26th Judicial District. If you feel you are eligible, fill out the Public Defenders Application and give it to the Public Defender or give it to the Magisterial District Judge staff for transmittal to the Public Defender.

You should have either obtained an attorney or had a Public Defender assigned to you before your Preliminary Hearing. This attorney should be present with you at your preliminary hearing.

If this is your first (or possibly second, not a felony) criminal offense, you may be eligible for the ARD program. If you qualify, you should get from the Magisterial District Judge staff, District Attorney or Public Defender an Application for ARD to determine eligibility for the ARD program and complete the Prior Criminal Record Statement and bring both to the Preliminary Hearing at the District Justice Office.

Very truly yours,

Magisterial District Judge

"Exhibit 3"

COURT GUIDELINES FOR PUBLIC DEFENDER SERVICES
FOR THE 26TH JUDICIAL DISTRICT

The following guidelines have been applied in the past to determine eligibility for legal counsel through the Public Defender's Office and will be applied by the Court in Appeals from Determinations of Eligibility:

An individual may apply for free legal counsel in the following situations:

- Criminal Charges; Misdemeanor & Felony
- Summary charges ONLY if there is likelihood that the Court will impose incarceration.
- Parole/Probation Violation

An individual is presumed to be eligible for public defender services in the following situations:

- Currently incarcerated in the Columbia or Montour County Prison
- Currently detained in a Mental Health Facility
- Net income and assets are below the maximum income level established by the Public Defender. Past examples have been the federal poverty guidelines or:

A 2 person household may not have a monthly net income over \$1,643/mo.

A 4 person household may not have a monthly net income over \$2,500/mo.

In determining the Net Income of the Applicant, criteria to be considered includes, but is not limited to, the following:

- All income coming into the home from all persons in the home: Paychecks, Unemployment, Worker's Compensation, Social Security, Disability, Pensions, Stocks, Bonds, Interest Earned, Inheritance, Rents received, and Lawsuits.
- Married, living with spouse: Both incomes will be considered as a total net income.

The Public Defender may provide services based on additional factors

DO NOT have alcohol on your breath or look to be under the influence of ANY substances or you will be asked to return at another date to complete the application.

REMEMBER: Falsification of income amounts will result in automatic disqualification of Public Defender Services and possible criminal prosecution.

Statements made on the Public Defender Application must be true and correct. Any false statements that are made are subject to penalties of 18 Pa. C. S., §4904, relating to unsworn falsification to authorities.

**NOTICE OF ACCELERATED REHABILITATIVE DISPOSITION PROGRAM
26th JUDICIAL DISTRICT
COLUMBIA/MONTOUR COUNTIES**

WHAT IS ARD?

ARD is a one-time alternative to trial, conviction, and the possibility of a jail sentence. Upon application and successful completion of all requirements and conditions, the criminal charges are dismissed and the record of them is expunged. THIS IS A VERY BENEFICIAL RESULT.

WHO QUALIFIES FOR ARD?

You may be eligible for ARD if you meet the following required standards for the program:

1. YOU HAVE NO PRIOR FELONY CONVICTIONS.
2. YOU HAVE NO CHARGES OF A SEXUAL NATURE.
3. YOU HAVE NO PRIOR DUI CONVICTIONS WITHIN THE PAST TEN (10) YEARS.
4. YOU DO NOT HAVE AN EXTENSIVE HISTORY OF TRAFFIC VIOLATIONS.
5. NO SERIOUS INJURY OR DEATH RESULTED FROM ANY ACCIDENT FROM WHICH YOUR CHARGES RESULTED.
6. ALL INFORMATION SUBMITTED WITH YOUR APPLICATION IS COMPLETE, TRUE AND CORRECT.
7. YOU COMMIT NO NEW OFFENSE AFTER SUBMITTING YOUR APPLICATION AND PRIOR TO YOUR COURT HEARING.

HOW DO I GET INTO THE ARD PROGRAM?

1. You must complete the DA Questionnaire to Determine Eligibility for the Accelerated Rehabilitative Disposition Program, the Prior Criminal Record Statement, and, if DUI-related, sign the Explanation of Accelerated Rehabilitative Disposition and Waiver of Rights form and bring it with you to the Preliminary Hearing at the Magisterial District Judge's Office.

If you are found to meet the requirements for ARD, you will be recommended by the District Attorney to the Court for placement into the ARD Program and a hearing will be scheduled. You will be mailed a Notice directing you when and where to appear for an ARD Hearing.

2. If you have been charged with DUI, a member of the Adult Probation Office staff will contact you with an appointment for a CRN evaluation at CMSU. YOU MUST ATTEND YOUR SCHEDULED APPOINTMENT.

WHAT DOES THE ARD PROGRAM REQUIRE YOU TO DO?

You must be on probation for no less than six (6) months and no more than two (2) years. You must remain crime free. You must complete Community Service, usually twenty (20) hours. You must report to the Probation Office regularly, usually by telephone. You must pay any restitution resulting from your offense. You must follow the rules of the program, including committing no other offenses, refraining from alcohol and/or drug use, and complying with other miscellaneous conditions while you are in the program.

COLUMBIA COUNTY DISTRICT ATTORNEY
COLUMBIA COUNTY COURTHOUSE
P. O. BOX 380
BLOOMSBURG, PA 17815

**DISTRICT ATTORNEY NOTICE OF
ACCELERATED REHABILITATIVE DISPOSITION PROGRAM**

Your case may be eligible for resolution under the Accelerated Rehabilitative Disposition (ARD) Program.

As you know, you have been arrested and charged with a crime. You have the right to a trial and the Commonwealth must prove your guilt beyond a reasonable doubt. However, being placed on probation may help you more than being convicted and sentenced to jail, so your case may be chosen for possible inclusion in the ARD Program. Under this program, you would be placed on probation immediately instead of proceeding to trial. If you stay out of trouble during the period of the program, and complete all the requirements, your criminal charges will be dismissed and your record will be expunged. If you violate the conditions of the program, you will be discharged from the program and you will proceed to trial as if you had never been in the program.

If you desire to be considered for the ARD Program, you must complete the enclosed questionnaire and bring the completed questionnaire with you to the office of the Magisterial District Judge at the time of your Preliminary Hearing.

Be advised that applying for admission to the ARD Program does not relieve you of your obligation to appear before the Court or at the District Attorney's Office for all scheduled appearances. Failure to appear will result in a Bench Warrant being issued for your arrest.

YOU SHOULD BE CERTAIN TO CONTACT YOUR LAWYER SO THAT YOU UNDERSTAND WHAT THIS PROGRAM IS AND HOW IT WORKS.

Sincerely,

Columbia County District Attorney

Enclosure

APPROVED: _____

DENIED: _____

DATE: _____

"EXHIBIT 6"

MONTOUR COUNTY DISTRICT ATTORNEY
MONTOUR COUNTY COURTHOUSE
253 MILL ST.
DANVILLE, PA 17821

**DISTRICT ATTORNEY NOTICE OF
ACCELERATED REHABILITATIVE DISPOSITION PROGRAM**

Your case may be eligible for resolution under the Accelerated Rehabilitative Disposition (ARD) Program.

As you know, you have been arrested and charged with a crime. You have the right to a trial and the Commonwealth must prove your guilt beyond a reasonable doubt. However, being placed on probation may help you more than being convicted and sentenced to jail, so your case may be chosen for possible inclusion in the ARD Program. Under this program, you would be placed on probation immediately instead of proceeding to trial. If you stay out of trouble during the period of the program, and complete all the requirements, your criminal charges will be dismissed and your record will be expunged. If you violate the conditions of the program, you will be discharged from the program and you will proceed to trial as if you had never been in the program.

If you desire to be considered for the ARD Program, you must complete the enclosed questionnaire and bring the completed questionnaire with you to the office of the Magisterial District Judge at the time of your Preliminary Hearing.

Be advised that applying for admission to the ARD Program does not relieve you of your obligation to appear before the Court or at the District Attorney's Office for all scheduled appearances. Failure to appear will result in a Bench Warrant being issued for your arrest.

YOU SHOULD BE CERTAIN TO CONTACT YOUR LAWYER SO THAT YOU UNDERSTAND WHAT THIS PROGRAM IS AND HOW IT WORKS.

Sincerely,

Montour County District Attorney

Enclosure

APPROVED: _____

DENIED: _____

DATE: _____

"EXHIBIT 6"

**DISTRICT ATTORNEY QUESTIONNAIRE TO DETERMINE ELIGIBILITY FOR
ACCELERATED REHABILITATIVE DISPOSITION**

COLUMBIA/MONTOUR COUNTY DISTRICT ATTORNEY

COLUMBIA COUNTY COURTHOUSE
P. O. BOX 380
BLOOMSBURG, PA 17815
570-389-5656

MONTOUR COUNTY COURTHOUSE
253 MILL STREET
DANVILLE, PA 17821
570-271-3069

COMMONWEALTH OF PENNSYLVANIA

V.

_____, No. _____
Defendant's Name

TO THE DEFENDANT:

The following questions are to be answered truthfully and fully under oath or affirmation. Bring this questionnaire with you to the Office of the Magisterial District Judge at the time of your Preliminary Hearing so the District Attorney can determine your eligibility for consideration of admission into the Accelerated Rehabilitative Disposition (ARD) Program.

BE ADVISED THAT MAKING ANY FALSE STATEMENT IN ANSWER TO ANY QUESTION WITH INTENT TO MISLEAD PERSONNEL OF THE DISTRICT ATTORNEY'S OFFICE IS A MISDEMEANOR OF THE SECOND DEGREE WHICH IS PUNISHABLE BY A FINE OF NOT LESS THAN \$1,000.00 NOR MORE THAN \$5,000.00 AND IMPRISONMENT NOT EXCEEDING TWO (2) YEARS.

Please print clearly in ink

1. Name _____
Address _____
Telephone Number _____
2. Date of Birth _____
Birthplace (city, state, country) _____
3. Social Security Number _____
Driver's License Number _____
4. Marital Status _____
Spouse Name (if any) _____
Name(s) and age(s) of children (if any) _____

5. List all persons with whom you currently live and state your relationship to each:

6. List every address where you have resided during the past two (2) years:

7. State your educational background including name of school, city, state, and year you graduated or last attended:

High School _____

Do you have a: Diploma _____ or GED _____ or neither _____ (Mark one)

College _____

Did you graduate? _____ If so, state degree and major _____

Other Education _____

8. State your military background as applicable:

Veteran _____ Non-Veteran _____

Branch of service _____ Years of service _____

Type of Discharge: Honorable _____ General _____ Dishonorable _____

Medical _____ Other _____

Explain any special circumstances: _____

9. Describe your employment history for the past five (5) years as follows:

Present employer and job duties _____

How long have you worked there? _____

List previous employers, your job duties for each, and how long you worked:

10. Have you ever been adjudicated delinquent as a juvenile offender or convicted of a criminal offense as an adult (including all ARDs and DUIs)? _____ (yes or no)

If yes, state the following:

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

Date of arrest _____ ; Charge: _____

City & State: _____, _____ ; Sentence/Disposition: _____

11. State the following with respect to your general health (answer yes or no for each):

Are you currently being treated/taking medication for any mental illness? _____

Do you have current prescriptions for any medications you are taking? _____

Are you currently dependent on/addicted to alcohol or drugs? _____

Are you currently participating in any treatment program for alcohol and/or drug dependency or addiction? _____

If yes, list the name and location of your treatment program: _____

12. THE FOLLOWING QUESTIONS ARE TO BE ANSWERED ONLY BY THOSE CHARGED WITH DUI IN THE PRESENT CASE:

A. Were you involved in an accident? _____ If yes, state the following:

Did you have insurance at the time of the accident? _____

Name of your insurance company: _____

Was anyone (other than you) injured? _____ If yes, provide the name and address of the injured person(s) and a description of their injuries: _____

B. List any other violations of the Vehicle Code or Crimes Code you were charged with as a result of this incident: _____

C. What was your BAC (blood alcohol content level determined by either breath or blood test)? _____

D. Did you refuse a blood or breath test? _____ (yes or no)

13. State briefly why you believe you should be given the benefit of placement in the ARD Program:

I hereby declare that the information set forth in this Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition is true and correct to the best of my personal knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsifications to authorities.

Date: _____

Signature of Applicant

PRIOR CRIMINAL RECORD STATEMENT

26TH JUDICIAL DISTRICT – COLUMBIA/MONTOUR COUNTIES

DEFENDANT'S NAME: _____ OTN#: _____

DEFENSE COUNSEL: _____

DA/ADA: _____

Representations regarding prior record:

I, _____, defendant, represent that my prior criminal record, including prior ARDs, is set forth here in full, to the best of my memory. I understand that if this listing is in error, the parties will not be bound by the agreement. I ALSO UNDERSTAND THAT AN INTENTIONAL FALSE STATEMENT BY ME ON THIS DOCUMENT COULD RESULT IN A SEPARATE CRIMINAL PROSECUTION.

Charge (include all arrests)	Location (County/State)	Sentence or ARD or Probation	Approximate Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Defendant- Print Name) _____
(Defendant's Signature) _____
(Date)

(Defense Counsel - Print Legibly) _____
(Date)

(DA assigned to case - Print Legibly) _____
(Date)

COMMONWEALTH OF PENNSYLVANIA,

vs.

: IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
: COLUMBIA COUNTY BRANCH, PA
: MONTOUR COUNTY BRANCH, PA
: CRIMINAL DIVISION

:
: MDJ No.: _____
: OTN No.: _____
: Common Pleas No.: _____ CR 20 _____

Defendant

EXPLANATION OF ACCELERATED REHABILITATION PROGRAM (A.R.D.)

AND

WAIVER OF RIGHTS FORM

1. I understand that I have been charged with a crime and that I have a right to go to trial on that charge. I am presumed innocent of this charge and the prosecution must prove me guilty beyond a reasonable doubt.

2. Notwithstanding my right to go to trial, I ask to be placed in the A.R.D. Program and I **CERTIFY THAT I HAVE NOT PREVIOUSLY BEEN IN SUCH A PROGRAM IN THIS OR ANY OTHER JURISDICTION.**

3. I understand the District Attorney will consider any prior criminal conviction I may have.

4. I understand the District Attorney will consider a victim's input on my request for A.R.D.

5. I am aware that I will be in the A.R.D. program for a specific period and that the special terms and condition of the program are as follows:

- (a) I will pay the costs of the prosecution of the charges filed against me.
- (b) I will attend and complete the Highway Safety Program at the location directed by the Probation/Parole Office and pay the costs thereof.
- (c) I will receive an alcohol and/or drug evaluation and follow through with any recommended treatment and pay the costs thereof.
- (d) I may have to receive a mental health evaluation and follow through with any recommended treatment and pay the costs thereof.
- (e) I will complete any community service hours as may be ordered by the Court.
- (f) If I caused any property damage or personal injury to anyone and do not have insurance to pay for such damage or personal injury, I will make restitution to the victim of the amount of such damage or personal injury.
- (g) I will abide by the general rules and regulations applicable to all persons on A.R.D.

6. I understand that the charges which have been filed against me will not be further prosecuted while I am in the A.R.D. Program, but if I fail to complete the program satisfactorily, I will be removed from the program and the charges filed against me will then be prosecuted according to law as if I had never been in the A.R.D. Program.

7. I understand that if I successfully complete the A.R.D. Program the charges that have been filed against me will be dismissed and the record will be expunged. If my current charge is for an offense under the driving under influence statute and I am convicted of a subsequent offense of driving under the influence, I may be sentenced as a second or subsequent offender of driving under the influence.

8. I understand that I can reject this offer of A.R.D. and demand that my case be brought to trial instead and that neither rejection of A.R.D. nor any statement I make in these A.R.D. proceedings can be used against me at trial.

9. I understand that by participating in the A.R.D. Program I waive (give up) the following rights:

- (a) My right to a preliminary hearing.
- (b) My right to a formal Court arraignment.
- (c) The right to have my case tried before a jury within three hundred and sixty-five (365) days from the date the charges were filed against me and dismissed if not tried within 365 days.
- (d) The applicable statute of limitations within which prosecution must be commenced on the charges against me.

10. Time spent in processing the questionnaire for A.R.D. and in the A.R.D. program will be excluded in computing the 365 days under Rule 600 and any other right to speedy trial.

11. I understand that if my case is removed from the A.R.D. program and sent back for trial, the District Attorney will then have one hundred and twenty (120) days within which to bring me to trial.

I have read the above and fully understand it.

DATE: _____ SIGNED: _____
Defendant

As attorney for the above-named Defendant, I certify that I have fully discussed and reviewed the foregoing explanation and waiver of right to the Defendant and I believe he/she understands it.

DATE: _____ SIGNED: _____
Attorney for Defendant

I agree that this case is suitable for inclusion in the A.R.D. Program and I move that the Defendant be placed on A.R.D.

DATE: _____ SIGNED: _____
(Assistant) District Attorney

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Defendant

: Common Pleas No.: _____ CR 20 _____

OFFER OF DISPOSITION

AND NOW, on this _____ day of _____, 20 _____, the Commonwealth offers the following disposition which may be accepted by the Defendant by signing below or by return correspondence ON OR BEFORE _____, 20 _____ to: The Office of the District Attorney, 35 W. Main St., Bloomsburg PA 17815. If the Offer is not accepted in writing on or before the above date, it will deemed to have been withdrawn.

<u>Count</u>	<u>Crime and Grading</u>	<u>Offered Disposition</u> (Guilty, Nol Pros, Nolo, ARD, etc.)
COUNT #1 _____	_____	_____
COUNT #2 _____	_____	_____
COUNT #3 _____	_____	_____
COUNT #4 _____	_____	_____
COUNT #5 _____	_____	_____
COUNT #6 _____	_____	_____

(Attach additional sheet if necessary)

District Attorney/Assistant District Attorney

Date

I accept the above offer and ask that Court Administration schedule a plea hearing.

Defendant's signature

Date

Defense Attorney signature

Date

COMMONWEALTH OF PENNSYLVANIA,

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Defendant

: Common Pleas No.: _____ CR 20 _____

OFFER OF DISPOSITION

AND NOW, on this _____ day of _____, 20 _____, the Commonwealth offers the following disposition which may be accepted by the Defendant by signing below or by return correspondence ON OR BEFORE

_____, 20 _____ to: The Office of the District Attorney, 253 Mill St., Danville PA 17821. If the Offer is not accepted in writing on or before the above date, it will deemed to have been withdrawn.

<u>Count</u>	<u>Crime and Grading</u>	<u>Offered Disposition</u> (Guilty, Nol Pros, Nolo, ARD, etc.)
COUNT #1 _____	_____	_____
COUNT #2 _____	_____	_____
COUNT #3 _____	_____	_____
COUNT #4 _____	_____	_____
COUNT #5 _____	_____	_____
COUNT #6 _____	_____	_____

(Attach additional sheet if necessary)

District Attorney/Assistant District Attorney

Date

I accept the above offer and ask that Court Administration schedule a plea hearing.

Defendant's signature

Date

Defense Attorney signature

Date

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Defendant

CRIMINAL CASE SCHEDULING INFORMATION

Defense Counsel: _____

(Asst.) District Atty. : _____

Entry of Appearance Signed? (yes or no): _____

Major Charge: _____

Is defendant in jail? (yes or no): _____

Date Complaint Filed: _____, 20 _____

Waiver of Arraignment signed? (yes or no): _____

Date of Preliminary Hearing: _____, 20 _____

IMPORTANT NOTICE

You and your attorney are required to appear for the following proceedings. These dates may not be changed without leave of Court.

Arraignment (if not waived) is scheduled for: _____ 9:00 A.M., Courtroom #1, Columbia County Courthouse, 35 W. Main St., Bloomsburg Pennsylvania 17815.

*****FAILURE TO APPEAR MAY RESULT IN A FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST*****

The undersigned defendant and defense counsel hereby acknowledge receipt of a copy of this scheduling notice.

Date: _____

Defendant's signature

Magisterial District Judge

Defense Counsel's signature

COMMONWEALTH OF PENNSYLVANIA,

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Defendant

CRIMINAL CASE SCHEDULING INFORMATION

Defense Counsel: _____

(Asst.) District Atty. : _____

Entry of Appearance Signed? (yes or no): _____

Major Charge: _____

Is defendant in jail? (yes or no): _____

Date Complaint Filed: _____, 20 _____

Waiver of Arraignment signed? (yes or no): _____

Date of Preliminary Hearing: _____, 20 _____

IMPORTANT NOTICE

You and your attorney are required to appear for the following proceedings. These dates may not be changed without leave of Court.

Arraignment (if not waived) is scheduled for: _____ 9:00 A.M., Courtroom #1, Montour County Courthouse, 253 Mill St., Danville, Pennsylvania 17821

*****FAILURE TO APPEAR MAY RESULT IN A FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST*****

The undersigned defendant and defense counsel hereby acknowledge receipt of a copy of this scheduling notice.

Date: _____

Defendant's signature

Magisterial District Judge

Defense Counsel's signature

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 : OTN No.: _____
 _____, : Common Pleas No.: _____ CR 20 _____
 Defendant

WAIVER OF ARRAIGNMENT

I, the undersigned Defendant, confirm and understand the following:

1. I understand that I have the right to appear in open court for Formal Arraignment, to be advised of the nature of the charges against me and of the other rights set forth below, but I waive the right to such personal appearance for Formal Arraignment and I understand that a plea of “not guilty” will be entered on my behalf.

2. The Information containing the charges against me will be filed in the Office of the Clerk of Courts and a copy will be mailed to my attorney and to me.

3. I am represented by counsel who signed below and counsel concurs in this Waiver.

4. I understand the nature of the charges against me.

5. I understand that I have the right to be represented by counsel, the right to represent myself, the right to counsel at no expense if I am indigent through the Public Defender’s Office, and that, to obtain representation at no expense, I must make application to the Public Defender at the Columbia County Courthouse, 35 W. Main St., Bloomsburg PA 17815.

6. I understand that I have the right to file motions and papers, including:

(a) A Request for a Bill of Particulars, within 7 days after court action accepting this Waiver and ordinarily I would not be allowed to after that;

(b) A Motion for Pretrial Discovery and Inspection, within 14 days after court action accepting this Waiver and ordinarily I would not be allowed to after that;

(c) A Motion for Transfer to Juvenile Proceedings; and

(d) An Omnibus Pretrial Motion, within 30 days after court action accepting this Waiver and ordinarily I would not be allowed to after that.

7. I understand that, if I fail to appear without cause at any proceeding for which my presence is required, including trial, that my absence may be deemed a waiver of my right to be present and the proceeding may be conducted in my absence.

Date: _____

 Signature of Defendant

The foregoing document has been signed by the Defendant after conferring with me as Defense Attorney.

Date: _____

 Defense Attorney

COURT ACTION

The Waiver of Arraignment and entry of a plea of “not guilty” is hereby accepted.

Date: _____

 Judge

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 _____, : Common Pleas No.: _____ CR 20 _____
 Defendant

WAIVER OF ARRAIGNMENT

I, the undersigned Defendant, confirm and understand the following:

1. I understand that I have the right to appear in open court for Formal Arraignment, to be advised of the nature of the charges against me and of the other rights set forth below, but I waive the right to such personal appearance for Formal Arraignment and I understand that a plea of “not guilty” will be entered on my behalf.

2. The Information containing the charges against me will be filed in the Office of the Clerk of Courts and a copy will be mailed to my attorney and to me.

3. I am represented by counsel who signed below and counsel concurs in this Waiver.

4. I understand the nature of the charges against me.

5. I understand that I have the right to be represented by counsel, the right to represent myself, the right to counsel at no expense if I am indigent through the Public Defender’s Office, and that, to obtain representation at no expense, I must make application to the Public Defender at the Montour County Courthouse, 253 Mill St., Danville PA 17821.

6. I understand that I have the right to file motions and papers, including:

(a) A Request for a Bill of Particulars, within 7 days after court action accepting this Waiver and ordinarily I would not be allowed to after that;

(b) A Motion for Pretrial Discovery and Inspection, within 14 days after court action accepting this Waiver and ordinarily I would not be allowed to after that;

(c) A Motion for Transfer to Juvenile Proceedings; and

(d) An Omnibus Pretrial Motion, within 30 days after court action accepting this Waiver and ordinarily I would not be allowed to after that.

7. I understand that, if I fail to appear without cause at any proceeding for which my presence is required, including trial, that my absence may be deemed a waiver of my right to be present and the proceeding may be conducted in my absence.

Date: _____

 Signature of Defendant

The foregoing document has been signed by the Defendant after conferring with me as Defense Attorney.

Date: _____

 Defense Attorney

COURT ACTION

The Waiver of Arraignment and entry of a plea of “not guilty” is hereby accepted.

Date: _____

 Judge

“Exhibit 12”

PROCEDURE FOR CRN EVALUATIONS

1. The CRN (Court Reporting Network) evaluation is a computer-supported information system that provides the Courts with a detailed personality and alcohol intake profile of a person charged with Driving Under the Influence.
2. The CRN is primarily performed by CMSU. Their address and phone contact information is below. Other providers may perform CRN evaluations, such as the service unit of the defendant's home county or certain probation/parole offices.
3. The Court **MUST** have in their possession, prior to your sentencing or acceptance into the ARD program, a complete CRN evaluation. **It is important that you keep the scheduled appointment given to you to avoid any delays in your case.**
4. Please have the following information with you at the time of your evaluation:
 - OTN (FROM COMPLAINT)
 - PROBABLE CAUSE AFFIDAVIT
 - DRIVER'S LICENSE NUMBER
 - BLOOD ALCOHOL CONCENTRATION LEVEL (BAC)
5. The cost of the CRN evaluation is \$75.00-\$90.00. Payment must be made at the time of the evaluation. Failure to appear and/or provide the above-requested information will result in the re-scheduling of your appointment and may result in sanctions.

PAYMENT: CASH OR MONEY ORDER PAYABLE TO "CMSU" (DUE ON DATE OF CRN)

Date of Appointment

Time of Appointment

I have read the above and fully understand it and I acknowledge receipt of the scheduled CRN evaluation date and time.

Date: _____ Defendant _____

CMSU contact information:

Behavioral Health Base Service Unit
603 East Market Street, Suite 200
Danville, PA 17821
Phone: 570-275-4962 or 1-800-676-4412
Fax: 570-275-5754

TREATMENT COURT APPLICATION DIRECTIONS

Drug Court and DUI Court

Applications shall be available at:

Magisterial District Judge Offices

District Attorney Office

Public Defender Office

Director of Court Programs

Barbara Warunek
Columbia County Courthouse
35 W. Main St.
Bloomsburg PA 17815
(570) 389-5670

"Exhibit 14"

PRELIMINARY ARRAIGNMENT & PRELIMINARY HEARING CHECKLIST

26TH JUDICIAL DISTRICT - COLUMBIA/MONTOUR COUNTIES

1. At Preliminary Arraignment, Magisterial District Judge gives Defendant:

- a. Criminal Complaint and arrest warrant affidavit
- b. Cover letter with Notice of Preliminary Hearing (Ex. 3)
- c. Court Guidelines for Public Defender Services (Ex. 4)
- d. Public Defender application
- e. Notice of Accelerated Rehabilitative Disposition Program (Ex. 5)
- f. District Attorney Notice of Accelerated Rehabilitative Program (Ex. 6)
- g. District Attorney Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition (Ex. 7)
- h. Prior Criminal Record Statement (Ex. 8)
- i. Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form (Ex. 9)

2. At Preliminary Hearing:

a. Public Defender/Defense Attorney:

- (1) Gives ARD application and forms (Ex. 7 - DA Questionnaire; Ex. 8 - Prior Criminal History) to DA (if applicable.)
- (2) Gives Treatment court application/referral (See Ex. 14) to DA (if applicable.)
- (3) Waives preliminary hearing (if applicable)
- (4) Gives signed Ex. 12 - Waiver of Arraignment to DA (if applicable)
- (5) With DA, enters into plea stipulation using Offer of Disposition from DA (Ex. 10)

b. District Justice gives Defendant:

- (1) Court Guidelines for Public Defender Services (Ex. 4)
- (2) PD Application
- (3) Notice of Accelerated Rehabilitative Disposition Program (Ex. 5) (if not already given)
- (4) District Attorney Notice of Accelerated Rehabilitative Program (Ex. 6) (if not already given)
- (5) District Attorney Questionnaire to Determine Eligibility for Accelerated Rehabilitative Disposition (Ex. 7) (if not already given)
- (6) Prior Criminal Record Statement (Ex. 8)(if not already filled out)
- (7) Explanation of Accelerated Rehabilitation Program (ARD) and Waiver of Rights Form (Ex. 9) (if not already given)
- (8) Procedure for CRN Evaluations form (Ex. 13) with appointment information (where applicable.) (MDJ to call and arrange appointment.)
- (9) Criminal Case Scheduling Information form (Ex. 11)
- (10) Treatment Court Application Directions (Ex. 14)

c. DA

- (1) Offer of Disposition (Ex. 10) from DA to Defendant