

EXPUNGEMENT OF A.R.D. CASES: PROCEDURE

The Pennsylvania Rules of Criminal Procedures Rules 319, 320 and 722 set forth the documentation and the procedure required in order to obtain an expungement in cases where a defendant has successfully completed the Accelerated Rehabilitative Disposition Program.

To implement and assure compliance with these Rules, please comply with the following procedure(s).

- 1) Defendant's attorney must obtain an Expungement Packet by sending a letter requesting same and a stamped self-addressed envelope to the Delaware County Courthouse, Office of Adult Probation and Parole Services, ARD Division, Media, PA 19063.
- 2) Defendant's attorney must complete all forms in the Expungement Packet and assemble forms in the following order (going from the bottom to the top):
 - i. Certification/Affidavit of Service (upon the District Attorney's Office)
 - ii. Verification of the Defendant
 - iii. Certification of the Probation Office (in which the ARD Supervisor certifies that the defendant has completed the terms of his or her probation)
 - iv. Petition for Expungement, including specific reasons of expungement (prepared by the defense attorney).
 - v. Expungement Order
- 3) The attorney shall then serve a copy of the completed Petition upon the Office of the District Attorney. (Service upon the District Attorney's Office may be made by personal service or by certified mail sent to the Assistant District Attorney in charge of the ARD Division). The original and four (4) copies of the Expungement Petition shall then be filed with the Office of Judicial Support.
- 4) If the Petition does not include all necessary documents, or otherwise fails to fully comply with the applicable Rules of Criminal Procedure, then the Court will dismiss the Petition, without prejudice. If such a defective Petition is dismissed by the Court, the attorney may again seek an ARD Expungement, assuming compliance with the applicable Rules of Criminal Procedure. (Upon dismissal by the Court, none of the above-described documents will be returned to the attorney). If the District Attorney's Office objects for reasons other than non-compliance with the Rules of Criminal Procedure, then an objection will be filed by the Commonwealth with a Rule Returnable. The attorney must be prepared to proceed with the

merits of the Petition in such matters on the date and time so indicated by the Court in the Rule Returnable.

- 5) If the District Attorney's Office does not oppose an expungement, a Statement of Agreement shall be filed with the Court and a copy mailed to the Petitioner's attorney. A hearing will not be listed, rather the Court will simply grant the requested expungement.**

Defense counsel shall include a self-addressed stamped envelope with expungement order when requesting confirmation that the record has been destroyed.