

[J-35-2026]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 36 MAP 2025
	:	
Appellant	:	Appeal from the Order of the
	:	Superior Court at No. 2298 EDA
	:	2023, dated December 18, 2024,
v.	:	Affirming, Vacating and
	:	Remanding the Order of the Pike
	:	County Court of Common Pleas,
MEGAN DANIELLE WORZEL,	:	Criminal Division, at No. CP-52-
	:	CR-0000098-2021 dated August
Appellee	:	23, 2023
	:	
	:	ARGUED: April 16, 2026

OPINION

JUSTICE WECHT

DECIDED: October 1, 2026

Accelerated Rehabilitative Disposition (“ARD”) is a pretrial alternative to prosecution typically offered to non-violent, first-time offenders. ARD “suspends formal criminal proceedings before conviction and provides the accused with certain rehabilitative conditions, the completion of which results in the dismissal of the pending criminal charges and a clean record for the defendant.”¹ ARD is governed by rules promulgated by this Court and set forth in Chapter 3 of the Pennsylvania Rules of Criminal Procedure (“ARD Rules”). For those ARD participants who are charged with driving under the influence of alcohol or controlled substances (“DUI”) under Section 3802 of the Vehicle Code, the General Assembly has chosen to create additional requirements by statute. One of these statutory requirements appears to be at odds with the ARD Rules.

¹ *J.F. v. Dep’t of Hum. Servs.*, 245 A.3d 658, 662 (Pa. 2021).

Specifically, Section 3807(e)(2) of the Vehicle Code states that, when a DUI defendant in ARD fails to complete a condition of the program: “The court *shall* direct the attorney for the Commonwealth to proceed on the charges as prescribed in the Rules of Criminal Procedure[.]”² By contrast, Rule 318(C) of the Rules of Criminal Procedure affords discretion to the trial court upon a violation: “If the judge finds that the defendant has committed a violation of a condition of the program, the judge *may* order, when appropriate, that the program be terminated[.]”³ In this appeal, we consider the interplay between these two provisions. We examine whether, in DUI cases, Section 3807(e)(2) requires courts to terminate ARD automatically upon finding a violation of an ARD condition, or whether that decision continues to fall within a trial court’s discretion under Rule 318(C). For the reasons that follow, we conclude that the latter interpretation is correct. Thus, we affirm the order of the Superior Court.

I. Factual and Procedural History

In October 2020, Megan Danielle Worzel was arrested in Pike County upon suspicion of driving under the influence. Testing revealed that her blood alcohol concentration exceeded the legal limit. This was Worzel’s first DUI offense, and the Commonwealth offered her the opportunity to resolve the case through ARD. Worzel accepted. On June 30, 2021, the trial court ordered that Worzel be admitted into the Pike County ARD Program, and it placed her on probation for a period of six months.

Under Pike County’s local ARD rules, enacted pursuant to Section 1552 of the Vehicle Code,⁴ Worzel was prohibited from possessing and/or consuming alcohol for the

² 75 Pa.C.S. § 3807(e)(2) (emphasis added).

³ Pa.R.Crim.P. 318(C) (emphasis added).

⁴ 75 Pa.C.S. § 1552 (“The court of common pleas in each judicial district and the Municipal Court of Philadelphia shall establish and implement a program for Accelerated Rehabilitative Disposition for persons charged with a violation of section 3802 (relating to (continued...))

duration of her six-month supervisory period.⁵ This restriction is not mandated by Section 3807.⁶ It is instead a condition imposed by the court, specific to Pike County's ARD Program.⁷

On December 14, 2021, with two weeks remaining in the program, the Probation Office contacted Worzel and asked her to submit to a drug test. The test was positive for alcohol. Worzel subsequently filled out a written admission form, on which she admitted to having consumed alcohol. The positive test prompted the Commonwealth to move for termination of Worzel's participation in the ARD program. On April 27, 2022, following a hearing, the trial court determined that Worzel had violated the ARD condition, but denied the Commonwealth's motion requesting termination. Instead, the court extended Worzel's supervisory period for an additional ninety days. The Commonwealth appealed.

While the Commonwealth's appeal was pending, the Pike County Probation Office certified that Worzel had completed ARD in July 2022, after having satisfactorily completed the ninety-day extension. On April 20, 2023, the Superior Court quashed the Commonwealth's appeal on the basis that the trial court's April 27, 2022 order was non-appealable. Based upon its belief that the trial court had rejected its termination motion unlawfully (and, thus, that Worzel was not entitled to an extension of her ARD term), the Commonwealth filed a new criminal information charging Worzel with the same DUI-related crimes for which she had earned dismissal through ARD.

driving under influence of alcohol or controlled substance) in accordance with the provisions of this chapter, Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs) and rules adopted by the Supreme Court.”).

⁵ Trial Court Order, 6/30/2021, at 2 (approving ARD).

⁶ See 75 Pa.C.S. § 3807(e)(2)(iii).

⁷ See Trial Court Opinion (“T.C.O.”), 11/7/2023, at 3 (describing this condition as being part of the “terms of the Pike County ARD Program”).

On August 2, 2023, Worzel filed a motion to dismiss the criminal information, pursuant to Rule 319 of our Rules of Criminal Procedure.⁸ The Commonwealth opposed the motion. The trial court granted Worzel's motion and ordered the Commonwealth to file a petition to expunge Worzel's record. The Commonwealth appealed, asserting that the trial court lacked the authority to extend Worzel's probation—and subsequently to dismiss the charges—because, under Section 3807(e)(2), the court was required both to terminate Worzel's participation in ARD and to direct the attorney for the Commonwealth to proceed on the charges upon Worzel's violation of a condition of the program.⁹

In its Pa.R.A.P. 1925(a) opinion, the court concluded that its decision to modify, rather than terminate, Worzel's ARD participation was permitted by Rule 318(C), which "clearly and unambiguously indicates that termination of entry into the ARD program following a [defendant's] violation is discretionary."¹⁰ In the trial court's view, Section 3807(e)(2) does not require that the prosecution proceed with charges against a defendant who successfully completed ARD under terms that have been modified pursuant to Rule 318. The trial court further justified its decision to extend rather than terminate Worzel's participation in ARD by explaining that Worzel had been both forthcoming about her use of alcohol and eager to participate in further supervision and treatment. Worzel's behavior indicated to the court that she was capable of rehabilitation. Finding that the statute did not remove its discretion to extend or modify the terms of ARD,

⁸ See Pa.R.Crim.P 319 (establishing the procedure for obtaining an order for dismissal upon successful completion of ARD).

⁹ The Commonwealth also appealed that part of the order which required it to file a petition for expungement of Worzel's record. The Superior Court vacated that aspect of the order, and it remanded for further proceedings consistent with Rule of Criminal Procedure 320, which describes expungement following dismissal as "automatic." Pa.R.Crim.P. 320(B). This issue is not germane to the instant appeal.

¹⁰ T.C.O., 11/7/2023, at 4-5.

the court determined that its decision to dismiss the criminal information was legally supportable under Rule 318(C).

On appeal to the Superior Court, the Commonwealth maintained that the permissive language in Rule 318(C) applies only in non-DUI cases. In the Commonwealth's view, by enacting Section 3807(e)(2), the General Assembly chose to override the trial court's discretion in DUI cases. In response, Worzel insisted that Chapter 3 of the Rules of Criminal Procedure, not Section 3807(e), exclusively governs removal from ARD and provides the trial court with discretion to terminate or otherwise modify ARD upon finding a violation.

In a unanimous opinion, a Superior Court panel affirmed the trial court's dismissal of the criminal information. The Superior Court ruled that, notwithstanding Section 3807(e)(2), a trial court has discretion to refrain from terminating ARD upon finding a violation of the program.¹¹ The panel discerned two reasonable interpretations of Section 3807(e). In relevant part, the statute states that, if a defendant fails to comply with an enumerated condition, "[t]he court shall direct the attorney for the Commonwealth to proceed on the charges as prescribed in the Rules of Criminal Procedure[.]"¹² On one hand, the panel observed, the word "shall" in Section 3807(e)(2) could be interpreted to require courts to terminate ARD and to direct the prosecutor to pursue the criminal charges against the defendant automatically upon finding a violation of a condition of ARD. On the other hand, the panel reasoned, the statutory text equally supports Worzel's interpretation, because it expressly requires compliance with the Rules of Criminal Procedure, including Rule 318, which states that, upon a violation of a condition of ARD, "the judge may order, when appropriate, that the program be terminated, and that the

¹¹ *Commonwealth v. Worzel*, 328 A.3d 1194, 1195 (Pa. Super. 2024).

¹² 75 Pa.C.S. § 3807(e)(2).

attorney for the Commonwealth shall proceed on the charges as provided by law.”¹³ Thus, finding two reasonable interpretations of the statute, the panel concluded that Section 3807(e)(2) is ambiguous.¹⁴

In order to resolve the ambiguity, the panel turned to the Statutory Construction Act, specifically Section 1921(c).¹⁵ The court opined that ARD is, first and foremost, a diversionary program that shares the same goals as the criminal justice system, including rehabilitation. Moreover, as “a joint effort between the prosecutor and the trial court,”¹⁶ ARD confers significant responsibilities on the court once a prosecutor makes the discretionary decision to offer the diversionary alternative. In this way, the panel observed, ARD is analogous to probation. In the probation context, Section 9771 of the Sentencing Code affords discretion to courts in order to determine whether, upon a violation, probation still would be an effective tool for rehabilitation.¹⁷ The panel further observed that not all violations of ARD are alike. It suggested that the Commonwealth’s interpretation presumes that the General Assembly intended for its judgment globally to

¹³ Pa.R.Crim.P 318(C).

¹⁴ See *A.S. v. Pennsylvania State Police*, 143 A.3d 896, 905-06 (Pa. 2016) (“A statute is ambiguous when there are at least two reasonable interpretations[.]”).

¹⁵ The court determined that five of the Section 1921(c) factors favored *Worzel*: the occasion and necessity for the ARD statute; the mischief it seeks to remedy; the object of the statute; other statutes addressing similar subjects; and the consequences of a given interpretation. See 1 Pa.C.S. § 1921(c)(1, 3-6).

¹⁶ *Worzel*, 328 A.3d at 1201 (quoting *Commonwealth v. Pypiak*, 728 A.2d 970, 972 (Pa. Super. 1999)).

¹⁷ See 42 Pa.C.S. § 9771(a) (describing the court’s power to “terminate continued supervision, lessen the conditions upon which an order of probation has been imposed or increase the conditions under which an order of probation has been imposed upon a finding by clear and convincing evidence that a person presents an identifiable threat to public safety”).

override a trial court's potentially contrary view in evaluating the severity of a specific violation.

The Superior Court relied as well upon the presumption that the General Assembly does not intend to violate our Constitution.¹⁸ Article V, Section 10(c) of Pennsylvania's Constitution endows this Court with exclusive authority to make procedural rules governing lower courts, and it renders any statute inconsistent with those rules unconstitutional.¹⁹ The Superior Court implied that such a conflict would arise here if it were to interpret Section 3807(e)(2) as eliminating the discretion that Rule 318(C) affords courts supervising ARD. The panel emphasized that, in *Commonwealth v. Lutz*,²⁰ this Court explained that "the legislature's creation of an ARD program in the Vehicle Code was subject to Chapter 3 of the Rules [of Criminal Procedure] and could not authorize practices inconsistent with those Rules."²¹ In the panel's view, the Commonwealth's interpretation failed to explain how the General Assembly was constitutionally permitted to "override[] our Rules of Court," in view of *Lutz*'s holding.²² Ultimately, because it concluded that, with Section 3807(e)(2), the General Assembly intended for the trial court to retain discretion in accordance with Rule 318, the Superior Court did not substantively address or resolve the potential constitutional conflict.

The Commonwealth filed a petition for allowance of appeal, which we granted in order to resolve the following question:

¹⁸ See *Worzel*, 328 A.3d at 1200 (citing 1 Pa.C.S. § 1922(3)).

¹⁹ See PA. CONST. art. V, § 10(c).

²⁰ 495 A.2d 928 (Pa. 1985).

²¹ *Worzel*, 328 A.3d at 1200 (quoting *Commonwealth v. McCabe*, 265 A.3d 1279, 1286 (Pa. 2021) (summarizing *Lutz*)).

²² See *id.*

Did the Pennsylvania Superior Court err in concluding that the General Assembly did not legislatively mandate the termination of Accelerated Rehabilitation Disposition (“ARD”) under 75 Pa.C.S. § 3807(e)(2) when a court finds a person in violation of the terms and conditions of ARD for a violation of 75 Pa.C.S. § 3802?²³

II. Arguments

The Commonwealth argues that the clear and unambiguous text of Section 3807(e)(2) states that, in the event of a violation, the court “shall” direct the attorney for the Commonwealth to proceed on the charges. The Commonwealth emphasizes that, pursuant to the Statutory Construction Act, courts cannot look beyond the plain meaning of the statute—mandatory termination upon a violation—in order to pursue the spirit of the law—rehabilitation. Thus, in the Commonwealth’s view, Section 3807(e)(2) must be read to require the termination of ARD upon finding a violation of an ARD condition. By contrast, Worzel maintains that the Superior Court correctly recognized that Section 3807(e)(2) expressly incorporates the Rules of Criminal Procedure and must be read as preserving the discretion afforded to a trial court under Rule 318(C).

Noticeably absent from the arguments is any analysis of the potential conflict between Rule 318(C) and Section 3807(e)(2), or the perilous constitutional question that such a conflict would present. Worzel argues principally that this Court should adopt the Superior Court’s interpretation, which did not reach the prospect of a conflict. Worzel offers no argument in the alternative as to the existence or resolution of a conflict between the provisions. The Commonwealth’s omission is more glaring. In the Commonwealth’s view, the mandatory nature of Section 3807(e)(2) simply supersedes the discretion provided to courts by Rule 318(C). This interpretation relies implicitly upon two propositions: (1) that there is indeed a conflict between this Court’s ARD Rules and the General Assembly’s DUI-related ARD statute; and (2) the resolution of that conflict

²³ *Commonwealth v. Worzel*, 340 A.3d 975 (Pa. 2025) (*per curiam*).

straightforwardly favors the statute. Yet, the Commonwealth offers no explanation or support for its view that the General Assembly is authorized to supersede a Rule of Criminal Procedure, and it offers no argument as to why this Court need not confront the problems underlying that view before it could rule in the Commonwealth's favor.

III. Discussion

The question here—whether Section 3807(e) preserves the trial court's discretion to terminate ARD, as provided by Rule 318—is, at least preliminarily, a matter of statutory interpretation. Our standard of review is *de novo* and our scope of review is plenary.²⁴ The Statutory Construction Act guides our analysis.²⁵

The object of all statutory interpretation is “to ascertain and effectuate the intention of the General Assembly.”²⁶ In general, the plain language of the statute provides the best indication of legislative intent.²⁷ The Statutory Construction Act instructs that, “[w]hen the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.”²⁸ However, where the language of a statute is “not explicit,” a court may consider other factors, presumptions, and canons of construction in order to ascertain the General Assembly's intent.²⁹

A. History of ARD and DUI-Specific ARD

²⁴ See *Whalen v. Commonwealth, Dep't. of Transp., Bureau of Driver Licensing*, 32 A.3d 677, 679 (Pa. 2011).

²⁵ See 1 Pa.C.S. §§ 1501-1991.

²⁶ *Id.* § 1921(a).

²⁷ See *Whalen*, 32 A.3d at 679.

²⁸ 1 Pa.C.S. § 1921(b).

²⁹ *Id.* § 1921(c); see *Commonwealth v. Hardy*, 337 A.3d 385, 404 (Pa. 2025).

Analysis of the interplay between Rule 318(C) and Section 3807(e)(2) requires familiarity with the ARD program, the evolution of ARD in this Commonwealth, and relevant developments in the Vehicle Code over the last half century.

ARD offers an optional procedural pathway for resolution of certain cases without trial. It is available predominantly for non-violent, first-time offenders, “who lend themselves to treatment and rehabilitation rather than punishment.”³⁰ ARD allows the Commonwealth to suspend a criminal prosecution in exchange for the defendant’s successful participation in a rehabilitative program, under the supervision of the court.

The nuts and bolts of ARD are set forth in Chapter 3 of our Rules of Criminal Procedure, which provides the procedural framework for the program.³¹ The Rules provide that the attorney for the Commonwealth has the discretion to initiate ARD offers to defendants.³² The defendant must knowingly agree to the conditions of the program,³³ the content of which is determined by the court and by applicable statutes.³⁴ While the prosecutor may offer ARD and the defendant must accept the terms prior to admission, the trial court ultimately decides whether to award entry into ARD after hearing the facts of the case and after determining whether the defendant should be admitted into the

³⁰ Pa.R.Crim.P. Explanatory Comment to Chapter 3.

³¹ See also *J.F.*, 245 A.3d at 661-62.

³² As modified by 75 Pa.C.S. § 3807(a), which excludes from ARD certain types of DUI offenders.

³³ See Pa.R.Crim.P. 312 (requiring a hearing to ensure that the defendant understands that acceptance results in the waiver of the statute of limitations and the defendant’s right to a speedy trial); 75 Pa.C.S. § 3807(a.1) (requiring the court to conduct an “inquiry on the record to ensure that the defendant’s acceptance into [ARD] and waiver of applicable Constitutional rights is made knowingly, voluntarily[,] and intelligently.”).

³⁴ See *Commonwealth v. Shifflet*, 335 A.3d 1158, 1168 (Pa. 2025) (quoting *Lutz*, 495 A.2d at 931).

program.³⁵ If the court grants the Commonwealth's motion to move the case to ARD, no criminal information is filed against the defendant.³⁶ Instead, the charges are set aside for an agreed-upon period of time—no less than six months for DUI-specific ARD³⁷—while the defendant participates in the program. Upon the defendant's successful completion of the program, the court will order that the charges are dismissed and that the defendant's record is expunged.³⁸

While other states have pre-trial diversion programs, Pennsylvania's ARD program is unique.³⁹ It was not the legislature, but rather this Court, that in 1972 established ARD as a function of our rulemaking authority.⁴⁰ Originally appearing as Rules 175-185, but currently appearing in Chapter 3,⁴¹ our ARD Rules established the foundational process for all ARD programs.

Prior to ARD, it was commonplace for district attorneys to decline to prosecute some minor misdemeanor offenses in order to avoid the lengthy judicial process.⁴² Consequently, there often was little accountability for criminal behavior and, conversely,

³⁵ See Pa.R.Crim.P. 313.

³⁶ See Pa.R.Crim.P. 314.

³⁷ See 75 Pa.C.S. 3807(b)(iv).

³⁸ See Pa.R.Crim.P. 319-20.

³⁹ See National Conference of State Legislators, *Pretrial Diversion*, <https://www.ncsl.org/civil-and-criminal-justice/pretrial-diversion> (Last updated: April 10, 2024).

⁴⁰ *Shifflet*, 335 A.3d at 1168.

⁴¹ See Pa.R.Crim.P. 300-320. This Court renumbered and amended the Rules in 2000.

⁴² See Rachel Jones, *Driving Under the Influence: How the Pennsylvania Supreme Court Can Encourage Liberal Approval of ARD for Deserving First-Time Offenders While Allowing an Enhanced Sentence for Subsequent Offenses by Returning to Chichkin*, 32 WIDENER COMMW. L. REV. 187, 192 (2023).

no form of supervision or treatment for perpetrators who were charged with crimes but who demonstrated a potential for rehabilitation.⁴³ Our ARD program sought to create an opportunity for supervised rehabilitation for appropriate offenders that would offer suitable treatment and also avoid prolonged judicial processes.⁴⁴

In January 1983, a new DUI statute went into effect, ushering in several changes significant to Worzel's case.⁴⁵ First, the law introduced Section 1552, which mandated the creation of a statewide DUI-specific ARD program.⁴⁶ The General Assembly bestowed the responsibility for creating and administering DUI-specific ARD programs upon the courts of common pleas in each judicial district, and instructed the courts to implement the program "in accordance with the provisions of this chapter [of the Vehicle Code] and *rules adopted by the Supreme Court*."⁴⁷ This new DUI-specific ARD scheme prohibited entry into ARD for certain drivers based upon the circumstances of the DUI and the defendant's criminal history.⁴⁸ The new law also created mandatory sentencing

⁴³ See *id.*

⁴⁴ See Pa.R.Crim.P. Explanatory Comment to Chapter 3.

⁴⁵ See generally Edwin W. Tompkins III, *The New Pennsylvania Drunk Driving Law: Last Call for the One-For-the-Road Era*, 87 DICK. L. REV. 805 (1983) (explaining the impact of the new law, referring to it as "one of the toughest anti-drunk driving laws in the country.").

⁴⁶ 75 Pa.C.S. § 1552.

⁴⁷ *Id.* (emphasis added).

⁴⁸ See 75 Pa.C.S. § 3731 (1983), now 75 Pa.C.S. § 3807(a)(2)(i-iii) (prohibiting entry into ARD for defendants who have completed ARD or been found guilty of a DUI within the last ten years, when an accident in connection with the DUI charge occurred and resulted in the death or serious bodily injury of another, or when there was a passenger under the age of fourteen in the vehicle).

for all DUI charges,⁴⁹ which made participation in ARD the sole avenue for avoiding DUI charges that otherwise necessarily would lead to jail time.

In 2003, the General Assembly added Section 3807 as a part of more sweeping changes to the Vehicle Code. Section 3807 imposes additional requirements for ARD for individuals facing DUI charges, including those involving eligibility, treatment and evaluation, fines and fees, vehicle operating privileges, and, relevant here, a defendant's failure to comply with the conditions of ARD.

These detailed requirements for DUI-specific ARD do not displace this Court's ARD rules and procedures. When the General Assembly created DUI-specific rules, it did so with express acknowledgement of the general ARD Rules in our Rules of Criminal Procedure.⁵⁰ And our precedent has established that the Vehicle Code's ARD provisions rely "upon the [R]ules of this Court for the procedural implementation of the program."⁵¹ Thus, in all DUI-specific ARD cases, both Section 3807 and our ARD Rules apply.

B. Ambiguity in Section 3807(e)(2)

Before analyzing the text of Section 3807(e)(2), we first examine Rule 318, this Court's rule governing a defendant's violation of a condition of ARD. Rule 318 has three subsections. Rule 318(A) specifies that, if the Commonwealth suspects that a violation of ARD has occurred (or otherwise objects to a defendant's discharge), it may raise its

⁴⁹ See 75 Pa.C.S. §§ 1532(b)(3) and 3731(e)(1)(i) (1983); see also Tompkins III, *supra* note 45, at 811 ("[T]he new law mandates a minimum forty-eight hour jail sentence, a fine ranging from three hundred to five thousand dollars, and a license suspension of at least one year for convicted first-time offenders."); *id.* at 814-15 ("When a motorist is charged with drunk driving, the district justice is barred from reducing or modifying the charge. This amended provision eliminates the plea bargaining that occurred under the prior law, in which the police or magistrate could reduce the DUI charge to a summary offense.").

⁵⁰ See 75 Pa.C.S. § 1552.

⁵¹ *Lutz*, 495 A.2d at 305.

allegations with the court by filing a motion.⁵² Rule 318(B) mandates that the Commonwealth must file any such motion during the period of the program or within a reasonable time thereafter.⁵³ Finally, and most importantly here, Rule 318(C) outlines the procedure that courts must follow upon finding a violation, as follows:

(C) When the defendant is brought before the court, the judge shall afford the defendant an opportunity to be heard. *If the judge finds that the defendant has committed a violation of a condition of the program, the judge may order, when appropriate, that the program be terminated, and that the attorney for the Commonwealth shall proceed on the charges as provided by law.* No appeal shall be allowed from such order.⁵⁴

Rule 318(C) uses discretionary language. Upon finding a violation of a condition of the program, the judge “*may order, when appropriate*” that ARD be terminated. Rule 318(C) does not require a judge to order termination. Nor is the judge required to order the Commonwealth to proceed on the charges. Upon an individualized assessment of the defendant and the circumstances of the violation, the judge may determine that further rehabilitation and supervision serve the defendant’s needs and the interests of the criminal justice system better than proceeding on criminal charges. Thus, the judge may choose to extend the period of supervision rather than terminate the program. This is what happened in the case *sub judice*.

⁵² Pa.R.Crim.P. 318(A) (“If the attorney for the Commonwealth files a motion alleging that the defendant during the period of the program has violated a condition thereof, or objects to the defendant’s request for an order of discharge, the judge who entered the order for ARD may issue such process as is necessary to bring the defendant before the court.”).

⁵³ Pa.R.Crim.P. 318(B) (“A motion alleging such violation filed pursuant to paragraph (A) must be filed during the period of the program or, if filed thereafter, must be filed within a reasonable time after the alleged violation was committed.”).

⁵⁴ Pa.R.Crim.P. 318(C) (emphasis added).

With Rule 318(C)'s discretionary process in mind, we turn to Section 3807(e) of the Vehicle Code. This statutory provision purports to govern the consequences of a DUI defendant's failure to comply with the conditions of ARD—the same scenario as is governed by Rule 318(C). In full, Section 3807(e) states:

(e) Failure to comply.--

(1) A defendant who fails to complete any of the conditions of participation contained in this section shall be deemed to have unsuccessfully participated in an Accelerated Rehabilitative Disposition program, and the criminal record underlying participation in the program shall not be expunged.

(2) The court *shall direct* the attorney for the Commonwealth to proceed on the charges *as prescribed in the Rules of Criminal Procedure* if the defendant:

(i) fails to meet any of the requirements of this section;

(ii) is charged with or commits an offense under 18 Pa.C.S. (relating to crimes and offenses); or

(iii) violates any other condition imposed by the court.⁵⁵

Unlike Rule 318, Section 3807(e) assumes a violation, one that was presumptively raised and adjudicated in accordance with Rule 318(A), (B), and the first sentence of (C). Section 3807(e), thus, picks up after the hearing afforded in accordance with the first sentence of Rule 318(C).

We have acknowledged that both Rule 318 and Section 3807(e) govern violations of ARD.⁵⁶ This leaves us with two sources of authority that, potentially, mandate different outcomes upon a violation of a condition of ARD. Under Rule 318(C), when a defendant

⁵⁵ 75 Pa.C.S. 3807(e) (emphasis added).

⁵⁶ See *Commonwealth v. Jenkins*, 345 A.3d 651, 662 (Pa. 2025) (citing both Section 3807(e)(1) and Pa.R.Crim.P. 318(C) as authorities governing removal from ARD).

violates an ARD condition, the judge *may* terminate ARD and *may* choose to direct the attorney for the Commonwealth to proceed on the charges. Under Section 3807(e)(2), when a DUI defendant violates an ARD condition, the trial court *shall* direct the attorney for the Commonwealth to proceed on the charges.

In its interpretation of the statute, the Superior Court assigned significant weight to the phrase “as prescribed by the Rules of Criminal Procedure” in Subsection 3807(e)(2). The inclusion of this directive led the panel to conclude that Section 3807(e)(2) is ambiguous. We also find that the phrase “as prescribed in the Rules of Criminal Procedure” complicates any plain reading of the statute. Absent this mandate to comply with the Rules of Criminal Procedure, Section 3807(e)(2) would indicate that the court must “direct the attorney for the Commonwealth to proceed on the charges” upon finding that the defendant committed one of the enumerated violations of ARD. The General Assembly’s inclusion of the obligation to comply with our rules of procedure, at minimum, raises questions as to what the General Assembly intended to achieve with this reference.

Ambiguity exists when there is more than one reasonable interpretation of the text of the statute.⁵⁷ The threshold question here is whether it is reasonable to read the reference to the Rules of Criminal Procedure in Section 3807(e)(2) as an incorporation of the discretionary aspect of Rule 318(C) into the statute. We conclude that it is.

As a preliminary matter, we are obligated to construe the words of statutes according to rules of grammar.⁵⁸ Grammatically, “as prescribed by the Rules of Criminal Procedure” is an adverbial phrase that modifies a separate action that precedes it. There

⁵⁷ See A.S., 143 A.3d at 905-06 (“A statute is ambiguous when there are at least two reasonable interpretations of the text.”).

⁵⁸ See 1 Pa.C.S. § 1903(a).

are two possible actions in Section 3807(e)(2) that this phrase could modify: “shall direct” and “to proceed.”

If it is the latter—“to proceed”—then the reference to the Rules of Criminal Procedure would prescribe the manner in which the Commonwealth must proceed on the charges. This makes sense. The Rules of Criminal Procedure govern the normal progression and conduct of a criminal prosecution. And this interpretation mirrors the directive in Rule 318(C) that “the attorney for the Commonwealth shall proceed on the charges *as provided by law*.”⁵⁹ Additionally, the statute refers to the Rules of Criminal Procedure generally, not specifically to Rule 318 or to the ARD Rules. This would comport with the understanding that the Rules of Criminal Procedure establish the governing framework upon which criminal matters proceed to trial and are adjudicated, *i.e.* how charges “proceed.”

We now turn to the former option—“shall direct”—in which the Rules of Criminal Procedure prescribe the manner in which the court must direct the attorney for the Commonwealth to proceed on the charges. We find this interpretation to be equally reasonable. The Rules of Criminal Procedure contain our ARD Rules, including Rule 318, which precisely governs how the court should direct the attorney for the Commonwealth to proceed on the charges. As described above, Rule 318(C) provides that the court has discretion in how it directs the attorney to proceed. Upon a violation, the court could opt to extend the ARD program, or determine that a violation does not warrant consequence, or terminate ARD and direct the attorney for the Commonwealth to proceed on the charges.

That Section 3807(e)(2) references the general “Rules of Criminal Procedure,” and not Rule 318 or Chapter 3 of the ARD Rules does nothing to diminish the viability of this

⁵⁹ Pa.R.Crim.P. 318(C).

interpretation. When construing and giving effect to the text of a statute, “we should not interpret statutory words in isolation, but must read them with reference to the context in which they appear.”⁶⁰ This general reference to the Rules of Criminal Procedure is made in the context of an ARD statute. Our ARD Rules set the procedure for all ARD cases, including DUI-specific ARD. Our ARD Rules also are contained within the Rules of Criminal Procedure. It follows that a general reference to the Rules of Criminal Procedure in the DUI-specific ARD statute can be understood as an incorporation of our ARD Rules. Additionally, Section 1552 of the Vehicle Code—which requires each judicial district to establish and implement DUI-specific ARD programs—contains a similar nod to the Rules in mandating that all local DUI-specific ARD programs must accord with “rules adopted by the Supreme Court,” without expressly referencing the specific ARD Rules. Even if read as a reference to the Rules at large, the fact remains that Rule 318 is a Rule of Criminal Procedure and that Rule 318(C) gives courts discretion to terminate ARD and to direct the attorney for the Commonwealth to proceed on the charges.

When interpreting words in the context in which they appear, we consider “their place in the overall statutory scheme.”⁶¹ The reference to the Rules as prescribing how the court “shall direct” the Commonwealth to proceed effectuates Section 3807(e)(2)’s central function. Section 3807(e) deals with ARD compliance. It tells us what counts as a “failure to comply” with a DUI-specific ARD program and what happens when such a failure occurs.⁶² Section 3807(e)(2)(i-iii) enumerates three actions by DUI participants that constitute a failure to comply with ARD: (1) failure to meet a requirement of Section

⁶⁰ A.S., 143 A.3d at 906.

⁶¹ *Reibenstein v. Barax*, 286 A.3d 222, 230 n.30 (Pa. 2022) (quoting *King v. Burwell*, 576 U.S. 473, 486 (2015) (“When deciding whether the language is plain, we must read the words in their context and with a view to their place in the overall statutory scheme.”)).

⁶² 75 Pa.C.S. § 3807(e) (titled “Failure to Comply”).

3807, (2) a commission or charge of an offense under the Crimes Code, and (3) a violation of a court-imposed ARD condition.⁶³ This is more expansive than the definition of a violation in Rule 318(C), which contemplates only “a violation of a condition of the program.”⁶⁴ Thus, it is sensible to construe the legislature’s mandate in Section 3807(e)(2)—that courts shall direct the Commonwealth to proceed according to the Rules of Criminal Procedure upon the defendant’s failure to comply with any of the enumerated violations in Section 3807(e)(i-iii)—as setting more specific compliance requirements in DUI-specific ARD cases than in non-DUI ARD cases, while incorporating our rules governing the court’s action upon non-compliance.

This interpretation of Section 3807(e)(2) aligns with our most recent explanation of the statute in *Jenkins*, wherein this Court concluded that a court may revoke ARD only for a “defendant’s violation of a specified condition of the program,” referring to both Rule 318 *and* the three specific violations defined in Section 3807(e)(2).⁶⁵ The reference to the Rules in Section 3807(e)(2) can reasonably be read to prescribe adherence to the procedural discretion afforded in our general ARD rules in light of the statute’s refined definition of ARD violations for DUI-specific cases.

The General Assembly wrote a statute requiring that one of two actions contained therein—either the act of the court directing the Commonwealth to proceed on charges or the act of the Commonwealth proceeding on charges—must accord with the Rules of Criminal Procedure. It is not clear from the plain text which action is expressly subject to the Rules. “When the words of the statute are not explicit,” courts may discern the

⁶³ See 75 Pa.C.S. § 3807(e)(2)(i-iii); see also *Jenkins*, 354 A.3d at 657.

⁶⁴ Pa.R.Crim.P. 318(C).

⁶⁵ See *Jenkins*, 345 A.3d at 662; see also *id.* at 665 (Wecht, J., concurring) (“The only way to accomplish removal is through the terms of Section 3807(e) of the [] Vehicle Code and Rule 318 of the Rules of Criminal Procedure”).

intention of General Assembly by turning to extra-textual considerations.⁶⁶ Because we find that both grammatical interpretations are equally reasonable, we must rely upon the array of tools at our disposal to construe an ambiguous statute.

C. Resolving the Ambiguity of Section 3807(e)

Upon review, we find that the canon of constitutional avoidance, the Section 1921(c) factors of our Statutory Construction Act, our prior case law, and the rule of lenity all favor incorporating Rule 318(C) into Section 3807(e)(2) by reading “as prescribed by the Rules of Criminal Procedure” to modify “shall direct.”

i. Constitutional Avoidance

There is a significant issue with the Commonwealth’s interpretation: reading Section 3807(e)(2) in a manner that unambiguously supersedes Rule 318(C) gives rise to a constitutional conflict between the General Assembly’s lawmaking power and this Court’s rulemaking authority. Such a proposition raises considerable separation of powers issues. As it concerns our procedural rulemaking power, our Constitution is clear that “[a]ll laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.”⁶⁷ Because the Commonwealth’s interpretation is inconsistent with Rule 318(C), we could not adopt it without first examining the constitutionality of the statute. This Court’s rulemaking power cannot be circumscribed by legislative fiat. Yet, notwithstanding the Superior Court’s admonition that the

⁶⁶ See 1 Pa.C.S. § 1921(c).

⁶⁷ See PA. CONST. art. V, § 10(c) (“The Supreme Court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts . . . including . . . the administration of all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or justice of the peace, nor suspend nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with rules prescribed under these provisions.”).

Commonwealth's argument lacked constitutional support, the Commonwealth continues to offer no explanation as to how the legislature has the authority to pass a law inconsistent with a rule of Court, in apparent violation of Article V, Section 10(c) of our Constitution.

"Under the canon of constitutional avoidance, if a statute is susceptible of two reasonable constructions, one of which would raise constitutional difficulties and the other of which would not, we adopt the latter construction."⁶⁸ The Statutory Construction Act itself instructs courts to presume that, the General Assembly did not intend to violate our Constitution.⁶⁹ Passing a statute inconsistent with the Rules of this Court would suggest such a violation. Having identified a constitutional conflict inherent in the Commonwealth's interpretation, we favor the interpretation of Section 3807(e)(2) that retains the vitality of Rule 318(C) and avoids the constitutional issue. An interpretation that incorporates Rule 318(C) into Section 3807(e)(2) does that.

ii. Section 1921(c) Factors

When the words of a statute are "not explicit," the Statutory Construction Act allows courts to ascertain the intention of the General Assembly by considering other matters, including the "occasion and necessity for the statute," the "circumstances under which it was enacted," the "mischief to be remedied," and the "object to be attained."⁷⁰ These factors all support an interpretation that preserves the court's discretion to terminate ARD.

⁶⁸ *Commonwealth v. Herman*, 161 A.3d 194, 212 (Pa. 2017).

⁶⁹ See 1 Pa.C.S. 1922(3) ("[T]he General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth.").

⁷⁰ See 1 Pa.C.S. § 1921(c)(1-4).

ARD began as a procedural gap-filler between the severe polarities of prosecution or release. “The primary purpose of [ARD] is the rehabilitation of the offender.”⁷¹ Second to rehabilitation, “the purpose is the prompt disposition of charges, eliminating the need for costly and time-consuming trials or other court proceedings.”⁷² The program offers a path for an offender who demonstrates a potential to improve his or her behavior and who would benefit from state-imposed rehabilitation efforts to avoid the full force of criminal charges.⁷³ ARD in this Commonwealth originated as a creature of procedure—a set of rules to govern the pre-trial disposition of charges held in abeyance pending the defendant’s successful completion of the program’s conditions.⁷⁴

DUI-specific ARD is no different. The General Assembly endorsed this procedural infrastructure for ARD when, in 1982, it mandated the creation of DUI-specific ARD rules to be implemented in accordance with this Court’s ARD Rules.⁷⁵ Later, in Section 3807, the General Assembly prescribed specific requirements in order to ensure that DUI-specific ARD continued to advance the state’s interests in both rehabilitation and prevention of drunk driving. The General Assembly’s DUI-specific requirements build upon, and are not a replacement for, this Court’s pre-existing procedural mechanism for ARD. The same rules and goals of the general program apply to DUI-specific ARD.

⁷¹ Pa.R.Crim.P. Explanatory Comment to Chapter 3.

⁷² *Id.*

⁷³ *Id.* (“These rules contemplate that ordinarily the defendants eligible for the ARD program are first offenders who lend themselves to treatment and rehabilitation rather than punishment and that the crime charged is relatively minor and does not involve a serious breach of the public trust.”).

⁷⁴ See *Shifflet*, 335 A.3d at 1168-69 (summarizing ARD).

⁷⁵ See 75 Pa.C.S. § 1552.

Critical to the success of ARD is the court's supervisory role in ensuring that the program's goals are executed. Upon a violation of ARD, the court is in the best position to weigh the competing interests at play—rehabilitation and prompt disposition of charges versus a violation of the public trust and public safety—and to determine whether termination is warranted. That is why our Rules afford discretion to trial courts. Aside from the constitutional concerns, wresting this discretion from the court would displace the program's purpose in favor of mandatory criminal punishment, regardless of the nature of the violation. An otherwise compliant defendant who demonstrates rehabilitation could lose that opportunity upon committing even the most trivial violation, a consequence in tension with the origin and purposes of ARD and the mischief ARD seeks to remedy.

Not all ARD violations are alcohol-related. Yet, under the Commonwealth's interpretation of Section 3807, ARD participants still would be subject to mandatory termination of ARD for non-alcohol or non-substance related violations. For example, a participant's failure to meet certain monetary requirements of the program, *i.e.* the payment of treatment costs (Section 3807(b)(viii)), fees (Sections 3807(b)(vi, ix)), or restitution (Section 3807(b)(v)), would mandate termination, even if the cause of those failures was indigency.⁷⁶ This outcome would not advance ARD's rehabilitative purpose. Nor would it necessarily advance the state's interest in eliminating drunk driving. Requiring courts to terminate ARD would deviate from the program's primary rehabilitative purpose and eliminate the court's supervisory responsibilities, as envisioned in the original program. Consideration of these factors supports an interpretation that preserves the judicial discretion afforded by Rule 318(C).

iii. Prior Case Law

⁷⁶ See 75 Pa.C.S. §§ (b)(v-vi, viii-ix).

The application of our prior case law also favors Worzel. This Court consistently has interpreted the interplay between our Rules and the Vehicle Code in a manner that preserves the primacy of our ARD Rules in governing DUI-specific ARD cases. In keeping with our precedent, we must construe Section 3807(e) to preserve the important balance between the legislature’s law-making power and our Rules governing ARD procedure.

Lutz is the principal case upholding the authority of our Rules in DUI-specific ARD cases. *Lutz* involved then-Rule 185, now Rule 310, which gives the attorney for the Commonwealth the discretion to move to have a case considered for ARD.⁷⁷ In violation of this Rule, local courts were directing the Commonwealth to allow certain individuals into ARD, via their local ARD authority, despite the district attorney’s discretionary decision to prosecute the charges. While the General Assembly, through Section 1552, requires local courts to establish and implement DUI-specific ARD procedures, these local programs must accord with our ARD Rules.⁷⁸ Thus, this Court held that local ARD programs created by the Vehicle Code “rel[y] upon the rules of this Court for the procedural implementation of the statutory program.”⁷⁹ In doing so, we concluded that “the rules of this Court governing ARD, as modified by [the section of the Vehicle Code barring certain cases from ARD], are the sole applicable procedure by which a person charged with drunk driving may be admitted to ARD.”⁸⁰

It is worth noting that this Court decided *Lutz* in 1982, nearly twenty years before the enactment of Section 3807. There was no equivalent to Section 3807(e)(2) in the

⁷⁷ See *Lutz*, 495 A.2d at 932 (quoting the Comment to Rule 185 (1985)) (“the district attorney should have discretion with respect to which crimes he wishes to prosecute”).

⁷⁸ See 75 Pa.C.S. § 1552.

⁷⁹ *Lutz*, 495 A.2d. at 932.

⁸⁰ *Id.* at 936.

Vehicle Code in 1982. More recently, however, in *Commonwealth v. McCabe*⁸¹—wherein we determined that Veterans’ Treatment Court was not subject to the Rules of Criminal Procedure governing ARD—we framed our holding in *Lutz* as affirming that “the legislature’s creation of an ARD program in the Vehicle Code was subject to Chapter 3 of the Rules and could not authorize practices inconsistent with those rules[.]”⁸² Acknowledging that *Lutz* considered the interplay between a legislatively created ARD program and our ARD Rules, the *McCabe* Court reiterated that *Lutz* stood for the proposition that, when it comes to ARD, “rule-making authority, as a constitutional separation of powers matter, lay with this Court[.]”⁸³

Following *Lutz* and the enactment of Section 3807, we have upheld our ARD Rules as the procedural backbone of the substantive requirements of DUI-specific ARD. Most recently, in *Jenkins*, we recognized that both Section 3807(e) and Rule 318 govern the removal of a defendant from ARD.⁸⁴ In that case, we held that ARD could not be terminated for conduct that did not meet the express criteria of an ARD violation, as defined generally in Rule 318(C) or specifically in Section 3807(e)(2). In arriving at this decision, we described the interplay between Rule 318 and Section 3807 as “consistent.”⁸⁵ Our holding today that Section 3807(e) incorporates the discretion provided for in Rule 318(C) is consistent with this precedent.

⁸¹ 265 A.3d 1279 (Pa. 2021).

⁸² *Id.* at 1286.

⁸³ *Id.* at 1287.

⁸⁴ *Jenkins*, 345 A.3d at 662.

⁸⁵ *Id.* at 657 n.6 (“This Court also has promulgated criminal rules of procedure related to ARD which are consistent with the statutory provisions.”); *see id.* at 662 (citing both Section 3807(e) and Rule 318 as authorities specifying what constitutes a condition of ARD).

iv. Rule of Lenity

The rule of lenity resolves any remaining doubt in Worzel's favor. That rule comes into play when there is ambiguity or uncertainty in the language of a penal statute.⁸⁶ An underlying purpose of the rule of lenity is to ensure that statutes imposing penalties provide fair warning to individuals subject to those penalties.⁸⁷ In this spirit, this Court has explained that, "where doubt exists concerning the proper scope of a penal statute, it is the accused who should receive the benefit of such doubt."⁸⁸ We have defined a penal statute as "one which imposes a penalty or forfeiture for transgressing its provisions, or for doing a thing prohibited."⁸⁹ Inasmuch as ARD imposes monetary requirements and liberty restrictions on a defendant under pain of prosecution, Section 3807 is a penal statute. As explained above, Section 3807(e)(2) is ambiguous as to what happens upon a court's finding that a defendant violated a condition of ARD. We have described the rule of lenity as "not merely a convenient maxim of statutory construction," but, rather, a "fundamental principle[] of due process which mandate[s] that no individual be forced to speculate, at peril of indictment, whether his conduct is prohibited."⁹⁰ In keeping with this principle, we construe Section 3807(e)(2) as preserving the judicial discretion to terminate ARD, as set forth in Rule 318(C).

⁸⁶ See 1 Pa.C.S. § 1928(b)(1) ("penal provisions" are to be "strictly construed").

⁸⁷ *United States v. Bass*, 404 U.S. 336, 348 (1971) (describing the rule of lenity as advancing two purposes: first, "a fair warning should be given to the world in language that the common world will understand, of what the law intends to do if a certain line is passed" and, second, given the seriousness of criminal penalties, "legislatures and not courts should define criminal activity.") (cleaned up).

⁸⁸ *Commonwealth v. Booth*, 766 A.2d 843, 846 (Pa. 2001) (cleaned up).

⁸⁹ *Commonwealth v. Rosario*, 294 A.3d 338, 350 (Pa. 2023) (quoting *Nesbit v. Clark*, 116 A. 404, 406 (Pa. 1922)).

⁹⁰ *Commonwealth v. Smith*, 221 A.3d 631, 639 (Pa. 2019) (quoting *Dunn v. United States*, 442 U.S. 100, 112 (Pa. 1979)).

Conclusion

Given the long and established authority that this Court's ARD Rules have held over DUI-specific ARD, the Superior Court did not err in ruling that the court overseeing DUI-specific ARD has discretion, pursuant to Rule 318(C), in deciding whether to terminate a defendant's participation in ARD upon finding a violation of the court-imposed ARD conditions. Thus, we affirm the order of the Superior Court.

Chief Justice Todd and Justices Donohue, Dougherty, Mundy and McCaffery join the opinion. Justice Brobson joins the opinion with exception of Part III.C.iv, with which he does not join.