

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

Administrative Order

Number 12 of 2019

In Re: Central Court

ORDER OF COURT

AND NOW, this 11th day of July, 2019, with the Court making an adjustment to the Central Court Procedures recently adopted under Administrative Order 5 of 2019, the Court hereby vacates Administrative Order 5 of 2019 and issues the following Order.

With the Court continuing to find that the administration of justice has been greatly assisted through the creation of Central Court in 2010, it is HEREBY ORDERED that the Fifty-First Judicial District shall continue to conduct preliminary hearings for certain types of criminal offenses in which the Issuing Authorities of the various Magisterial District Courts have jurisdiction. This process shall be known as “Central Court” and will be subject to the following:

1. Central Court shall be held in the Courtroom located at the Adams County Human Services Building, 525 Boyds School Road, Gettysburg, PA 17325.
2. Central Court shall be held on Wednesdays of each week, unless such day shall constitute a legal holiday, in which event, the President Judge shall determine if Central Court will occur on the preceding or following business day.
3. The President Judge shall provide for the assignment of Magisterial District Judges to preside over Central Court on a rotating basis.
4. Magisterial District Judges, when so assigned, shall exercise all powers given to Magisterial District Judges by the laws of this Commonwealth.
5. Central Court shall operate as reflected in the “Adams County Court of Common Pleas Central Court Procedures”, attached hereto as Exhibit 1.
6. The President Judge shall, from time to time, establish written procedures for Central Court as

the needs of justice and efficient administration require.

This Order shall be effective immediately. The Court reaffirms that Administrative Order 7 of 2016 and Administrative Order 7A of 2016 are also vacated.

BY THE COURT,

MICHAEL A. GEORGE

President Judge

df

Board of Judges

Executive Assistants to the Board of Judges

Magisterial District Judges (4)

Court Administration

Chief Tipstaff

District Attorney (to include distribution by the District Attorney to Law Enforcement Agencies serving
Adams County)

Victim/Witness Coordinator

Public Defender

Law Library

Adams County Bar Association

Department of Probation Services

Sheriff

Security

Warden, Adams County Adult Correctional Complex

COPY

Exhibit 1

ADAMS COUNTY COURT OF COMMON PLEAS CENTRAL COURT PROCEDURES

I. INTRODUCTION

The Adams County Court of Common Pleas Central Court Procedures have been developed through the collaborative efforts of the offices of the Adams County Court of Common Pleas, the Magisterial District Judges (MDJs), Court Administration, the District Attorney, Public Defender, Victim Witness Office and the Sheriff. The purpose of these procedures is to enhance the efficiency of the Preliminary Hearing process, preserve State, County, and Municipal resources, and provide dignified and respectful service to the public without sacrificing the rights of criminal defendants.

II. GENERAL INFORMATION

1. Coordination

Coordination will be effectuated as a joint effort between Court Administration and the Magisterial District Courts. The General Clerk from Court Administration will serve as the first point of contact for Court Administration. Office Managers will serve as the first point of contact for their respective Magisterial District Court.

2. Jurisdiction

For the purposes of Central Court, the presiding MDJ shall have county-wide jurisdiction necessary to effectuate the processing of cases for Central Court.

3. Eligible Cases

All criminal cases in which the defendant is entitled to a preliminary hearing pursuant to the Rules of Criminal Procedure shall be scheduled for Central Court except as set forth below:

- a. Complex Cases - Cases involving complex fact patterns shall not be eligible for Central Court. The originating MDJ shall determine whether a case is considered complex as promptly as possible. Such cases shall be reported to the District Attorney, Court Administration, Public Defender's office, private counsel, and pro se defendants by the MDJ.
- b. Protracted Hearings - In cases where any party expects a preliminary hearing to exceed thirty (30) minutes, a timely request may be made to the originating MDJ office to either hold the hearing at that MDJ office or during the afternoon of Central Court. The MDJ office shall contact the General Clerk from Court Administration for scheduling if there is to be consideration of an afternoon hearing, to ensure there is no conflict within the designated courtroom. A request shall be considered "timely" if received at least one week prior to Central Court.

- c. Upon agreement of the parties, and if it appears to the Magisterial District Judge that time and resources may be saved without interfering with the rights of a defendant, the originating Magisterial District Judge may reschedule a preliminary hearing to occur at the originating District Court. This shall be considered the exception, not the general rule, and shall not be used to undermine Central Court.

4. Documents

Subpoena List. All criminal complaints/affidavits of probable cause shall contain a subpoena list that includes names, addresses and telephone numbers of witnesses needed to be present at the preliminary hearing.

5. Personnel

- a. The General Clerk from Court Administration and an assigned staff member from the presiding MDJ's office shall assist the MDJ during Central Court.
- b. The assigned staff member and General Clerk from Court Administration assisting at Central Court shall have multi-court access to all magisterial district courts within Adams County.
- c. There shall be at least two (2) Assistant District Attorneys present at Central Court each week for the purpose of prosecution and to engage in discussions and negotiations with defense counsel and other parties involved with the case.
- d. The Public Defender or Assistant Public Defender shall be present at Central Court each week for the purpose of making available applications to determine qualification of defendants to receive representation from the Public Defender's Office, and to take the necessary steps for representation of qualified applicants.
- e. A Probation/Parole representative shall be available as needed.
- f. Personnel from the Victim Witness Office shall be available to address needs of such persons.
- g. Court Reporter-Upon no less than 48 hours notice prior to the date of the preliminary hearing, and upon request from the Commonwealth, Public Defender or Court-appointed Counsel, Court Administration shall determine if a Court Reporter employed by the Court would be available to serve at the preliminary hearing. If Court Administration determines that a Court-employed Court Reporter is unavailable, or if Private Counsel is requesting a Court Reporter, the requesting party shall be responsible to secure and pay for court reporting services unless otherwise indicated by the Court of Common Pleas.

6. Incarcerated Defendants

- a. The Adams County Sheriff shall have the responsibility of transporting all incarcerated defendants to and from Central Court.
- b. Out of County Defendants - The originating MDJ office shall notify the Sheriff's Office as soon as possible so arrangements may be made for transportation in advance. A Release of Prisoner shall accompany the request.
- c. State Prison Defendants - The originating MDJ office shall contact the District Attorney's office requesting a Writ be issued to enable the Sheriff to transport the defendant to Central Court.
- d. Video Conferencing- The use of video conferencing per Pa.R.Crim.P. 119 shall be utilized where permissible. Any request for video conferencing shall be made to the General Clerk from Court Administration at least seven (7) days before the preliminary hearing.

7. Security

Security for Central Court shall be the responsibility of the Adams County Sheriff.

8. Payments

Absolutely no cash will be collected at the time of Central Court. Any bail and/or fines will be paid at the originating MDJ office or the Clerk of Courts Office depending on disposition.

III. SCHEDULING

1. Calendar

- a. Central Court dates shall be established in advance according to procedures for creating other Adams County Court dates, and shall be published on the Court's yearly calendar. The calendar may be accessed by any person or organization by visiting <http://www.adamscounty.us/Dept/CourtofCommonPleas/Pages/COURTOFCOMMONPLEASCALENDAR.aspx> or by requesting a copy of the calendar from Court Administration.
- b. Central Court shall be held on Wednesdays of each week with the exception of holidays and shall be presided over by a rotating MDJ. In weeks where Wednesday is a holiday, Central Court shall commence on the next available non-criminal court day listed on the Court of Common Pleas calendar. The MDJ rotation process for Central Court shall be concurrent with the on-call rotation policy for after normal business hours.

2. Individual Case Scheduling

- a. Scheduling cases for Central Court shall be the responsibility of each District Court. The schedule shall consist of two "block times" allotted to each of the four (4) MDJ Courts in Adams County.
- i. The majority of cases shall be scheduled in the first block time (8:15 A.M.), to be known as the "waiver block". Defendants and all parties shall be notified to appear 15 minutes prior to the block time scheduled for their case. Original notification of the date, time and location of the preliminary hearing shall be provided to the defendant by the originating MDJ office. A centrally located, electronic scheduling template shall be made available to all District Courts and Court Administration for the purpose of schedule creation. Notice shall be sent to the defendant advising "Unless the court receives notice that you are going to request a hearing, any officer, witness and / or victim(s) in the case will not be subpoenaed for the hearing". The notice to the defendant shall also advise the defendant:
- (1) The purpose of a preliminary hearing and meaning of entering a waiver of the preliminary hearing.
 - (2) If he/she has retained counsel, they must notify their attorney of the hearing notice.
 - (3) That members of the Adams County District Attorney's Office will be present during the waiver block to enter into any discussion and / or negotiation of cases with a defense attorney or the unrepresented.
 - (4) If an agreement cannot be reached amongst the parties, bail will be set and the case will be rescheduled for the following Wednesday at 10:00 A.M. for a preliminary hearing.
 - (5) Regardless of whether a defendant intends on seeking a hearing, they must appear at the waiver block unless a defendant represented by counsel requests the matter be listed for hearing without appearing, provided counsel certifies to the MDJ in writing prior to the initially scheduled waiver block that a hearing is necessary. In such instance, the defendant remains obligated to appear at the initially scheduled waiver block until the defendant's appearance is excused by the Court.
- ii. The second block time shall begin at 10:00 A.M. (to be known as the "hearing block") and will consist primarily of any cases where a preliminary hearing will be held. Defendants and all parties shall be notified to appear 15 minutes prior to the block time scheduled for their case. Original notification of the date, time and location of the preliminary hearing shall be provided to the defendant by the originating MDJ office. A centrally located, electronic scheduling template shall be made available to all District Courts and Court Administration for the purpose of schedule creation.
- (1) If a defendant is incarcerated as a result of the current charges at the time of the initially scheduled waiver block, the defendant will have the right to have a preliminary hearing in the 10:00 A.M. hearing block on that same day. However, the Sheriff shall still produce the defendant for the first block time (8:15 AM). If the defendant wishes to waive the preliminary hearing, the MDJ presiding over Central

Court can accept the waiver within the first block if time permits. Otherwise, the waiver can be accepted during the second block time. It shall be the responsibility of the arraigning / and or originating MDJ to provide notification of the date, time and location of the preliminary hearing to any officer, witness and / or victim(s) in the a case where the defendant is incarcerated following preliminary arraignment and otherwise fails to post bail. Unless the District Attorney notifies the officer, witness(es) and / or victim(s) to not appear, the officer, witness(es) and / or victim(s) are expected to appear for the 10:00 A.M. hearing block.

- b. The Central Court schedule shall contain the block time, name of the defendant, originating MDJ office, docket number, affiant, defense attorney (if available), lead charge, and a space for notes.
 - c. Court Administration shall have the responsibility for ensuring that the weekly schedule is available electronically to all MDJ Offices, Adams County police departments, PSP, Sheriff, District Attorney, Public Defender, Victim/Witness, Adams County Adult Correction Complex, Court Administrator, and any named private defense attorneys listed on the schedule on the Monday preceding the next Central Court date. If Monday is a holiday, the schedule shall be available electronically the next business day.
 - d. No cases shall be added to the list after it has been distributed unless not included by processing error.
3. Continuances
- a. Requests for continuances shall be acted upon by the originating MDJ up to the day of Central Court. Written notification of the decision shall be the responsibility of the originating MDJ office. Requests for continuances on the day of Central Court shall be determined by the presiding MDJ with full consideration given to the impact on victims, defendants, witnesses and other persons required to appear for the hearing. All requests for continuances shall be acted upon in accordance with Pa.R.Crim.P. 542.
 - b. In the event the originating MDJ will not be available during the time from the Friday immediately before the day of Central Court and the day of Central Court, a continuance request may be acted upon by the MDJ presiding over the Central Court day in question. In this instance, notification of the decision shall be the responsibility of the MDJ office reviewing the continuance request, who shall also notify the originating MDJ Office of any decision.
 - c. For continuances granted on the day of Central Court, written notification shall be the responsibility of the presiding MDJ, and if possible, to be provided to the parties at Central Court. All written notifications of continuances shall be in accordance with

Pa.R.Crim.P. 542. The original file will remain with the General Clerk from Court Administration, to be made available to the MDJ that will preside over the matter on the continued date.

4. Preliminary Arraignments Occurring after 8:00 AM on Fridays

All preliminary arraignments occurring after 8:00 AM on Fridays shall result in the preliminary hearing being scheduled for the second Wednesday thereafter. Original charging documents in possession of Central Booking shall be sent via interdepartmental mail to the originating MDJ office who, after properly docketing the matter, will thereafter forward it to the General Clerk from Court Administration for availability on the day of Central Court.

IV. CASE PROCESSING

1. Complaint by Summons

- a. When a complaint is filed in a MDJ office, the docket transcript shall be prepared by that office. The summons shall be sent to the defendant by the originating MDJ office notifying the defendant of a preliminary hearing in accordance with the applicable Pennsylvania Rules of Criminal Procedure. The hearing shall be scheduled no sooner than three (3) weeks after issuance of the summons.
- b. Upon issuing a summons, the MDJ Office shall enter the scheduling information on a centrally located template accessible to all District Courts and the General Clerk from Court Administration. All case files, including the original copy, shall be maintained in the originating MDJ Office until the Monday one week prior to the next Central Court Date. At that time, the original case filings necessary for the preliminary hearing and itemized in Exhibit "A" attached hereto (the MDJ office maintains copies) shall be forwarded to the General Clerk from Court Administration via interdepartmental mail to arrive on the Wednesday one week prior to Central Court. Any document listed in Exhibit "A" and received by the originating MDJ after the case file has been sent to Central Court shall be sent promptly via facsimile (fax or electronic) to the General Clerk from Court Administration prior to the date set for Central Court for that case.

2. Arraignment of Defendant when Criminal Charges are Filed

Defendants arraigned at the time criminal charges are filed shall have their preliminary hearing date scheduled for the next available Central Court date as per Pa.R.Crim.P. 540(F)(1)(a).

3. Waiver of Preliminary Hearing After Case Has Been Sent to Central Court

The originating MDJ office shall immediately notify all parties and the General Clerk from Court Administration of a waiver entered prior to the date of Central Court.

4. Notification of District Attorney's Office

When a case is sent to Central Court for scheduling, a copy of the preliminary hearing date, a copy of the complaint including the affidavit of probable cause, and a subpoena list shall be forwarded to the District Attorney's Office simultaneously.

V. CASE DISPOSITION AT CENTRAL COURT

1. In General

The presiding MDJ shall have latitude in assuring proper case flow on any given Central Court day.

2. Preliminary Hearings

Defendants who do not waive their preliminary hearing or plead guilty shall have a preliminary hearing scheduled for the next Central Court date at 10:00 AM.

3. Pleas at Preliminary Hearings

Negotiations by the counsel for the Commonwealth and defendant which result in the entry of a plea within the jurisdiction of the MDJ or outright dismissal of charges shall be handled after waivers are completed or at the discretion of the presiding MDJ as time permits.

4. Waiver of Preliminary Hearings

Defendants desiring to waive the right to a preliminary hearing at Central Court (as per applicable Pennsylvania Rules of Criminal Procedure) shall present their request to the presiding MDJ and shall have first priority of disposition over defendants desiring to enter a plea.

5. Misdemeanors Reduced to Summary Charge

If charges are reduced so that the most serious charge remaining is a summary offense, the presiding MDJ shall complete the disposition form. All case materials shall be returned to the originating MDJ office by the General Clerk from Court Administration. Any fines, costs, or restitution shall then be collected by the originating MDJ office. Requests by the Commonwealth for the assessment of fees/restitution against the defendant related to victim/witness costs must be presented at the time of case disposition for consideration.

6. Misdemeanors where MDJ has Jurisdiction to Accept a Plea

The presiding MDJ shall comply with the jurisdictional limits set forth in 42 Pa.C.S.A. § 1515(6)(i)(A-D), and with all conditions provided in Pa.R.Crim.P. 550(A-E) when accepting pleas in Central Court.

7. Hearings in Absentia

If the defendant fails to appear for his/her initially scheduled waiver block, and the officer who filed the complaint is present, a hearing will be held in absentia in accordance with Pa.R.Crim.P. 543.

If the defendant fails to appear for his/her initially scheduled waiver block, and the officer who filed the complaint is not present, the proceeding will be scheduled for the 10:00 A.M. hearing block on the immediately following Central Court date. The officer who filed the complaint and any witnesses will be timely subpoenaed by the MDJ to attend the next proceeding. If the defendant fails to appear for his/her scheduled preliminary hearing, a hearing will be held in absentia in accordance with Pa.R.Crim.P. 543.

In both instances where a hearing in absentia is held, a bench warrant request shall immediately be made by the presiding MDJ based upon notification information provided by the originating MDJ. Each case file shall contain a checklist pertaining to mailing notifications, fingerprint orders, and any additional information to assist in determining that the defendant received proper notification.

8. Paperwork

- a. The General Clerk from Court Administration assisting the presiding MDJ shall manage paperwork flow. The assigned staff member from the MDJ Office shall enter any necessary data into the MDJS. The assigned staff member from the MDJ Office shall also enter dispositions in cases where the defendant pleads guilty.
- b. The presiding MDJ shall utilize the "blue" Central Court Disposition Form for disposition outcomes to be entered by the originating MDJ office. The General Clerk from Court Administration shall then forward the case files back to the originating MDJ office for final disposition entry.

9. Special Requests/Communication with Bench

All special requests while Central Court is in session shall be directed to the General Clerk from Court Administration, who will consult with the Magisterial District Judge and serve as the overall point-of-contact for communication purposes.

EXHIBIT A

Central Court Check List

Commonwealth of PA vs. _____ Docket No. _____

Co-Defendants: _____ Interpreter _____

Enclosed you will find:

- Complaint & Affidavit
- Bail Bond
- Arraignment Sheet (if arraignment was done)
- DA Formal Arraignment Notice
- Case Notes (if applicable)
- Subpoena List (if applicable)
- Juvenile Victim Form (if applicable)
- Interpreter Cost Sheet (if applicable)

Summons Information:

1st Class & Certified Mail sent out _____
1st Class returned yes no

Certified Mail returned signed on _____
 Signed by Defendant
 Signed by Someone other than Defendant _____

Certified Mail returned unopened due to
 Unclaimed
 Unable to Forward
 Undeliverable as Addressed
 No Longer Lives Here

Fingerprint Order Information:

Defendant fingerprinted? yes no

Any additional information:
