

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 Number 13A of 2022

4 In Re: Adams County Rules of Criminal Procedure

5 **ORDER OF COURT**

6 AND NOW, this 12th day of September, 2022, Administrative Order 13 of 2022 issued on
7 September 6, 2022 is vacated.

8 The Court hereby Orders that Rule 541 of the Adams County Rules of Criminal Procedure shall
9 be created, as follows:

10 Rules 536---[569] 540 Reserved.

11 **541. Waiver of Preliminary Hearing**

12 **A. Counsel for defendant may waive the defendant's right to be present at preliminary**
13 **hearing by executing a waiver, which shall effectively waive the preliminary hearing.**

14 **B. Upon providing the executed waiver to the District Court, Counsel shall promptly inform**
15 **the defendant of the date of formal arraignment and the defendant's need to be present**
16 **based upon the date provided to Counsel by the District Court.**

17 **C. Counsel shall advise the defendant of the condition of release on unsecured bail bond.**

18 **D. Counsel waiving preliminary hearing on behalf of defendant shall be prepared to indicate**
19 **on the record at the time of formal arraignment that the defendant was provided with**
20 **notice as to the date and the requirement that defendant must appear at formal**
21 **arraignment.**

22 **E. Any defendant waiving preliminary hearing who has not otherwise been preliminarily**
23 **arraigned by a Magisterial District Judge is placed on unsecured bail bond in the amount**
24 **of \$500.00 conditioned upon compliance with the following conditions:**

25 **1. The defendant must appear at all times required until full and final disposition of**

1 the case(s).

2 2. The defendant must obey all further orders of the bail authority.

3 3. The defendant must provide a current address and must give written notice to the
4 bail authority, the Clerk of Courts, the District Attorney, and the court bail
5 agency or other designated court bail officer, of any change of address within 48
6 hours of the date of the change.

7 4. The defendant must neither do, nor cause to be done, nor permit to be done on
8 defendant's behalf, any act as proscribed by Section 4952 of the Crimes Code
9 (relating to intimidation of witnesses or victims) or by Section 4953 (relating to
10 retaliation against witnesses or victims), 18 Pa. C.S. §4952, 4953.

11 5. The defendant must refrain from criminal activity.

12 6. The defendant must comply with any fingerprint order, if any is issued by the
13 Court.

14 F. Execution of the waiver form by a party shall indicate their acknowledgement of the bail
15 conditions.

16 G. The waiver to be executed shall be substantially in the following form:

17 (CAPTION)

18 I verify that the foregoing is true and correct to the best of my knowledge:

19 1. I am represented by counsel of record and wish to waive my appearance at
20 preliminary hearing;

21 2. My attorney concurs in this waiver;

22 3. I understand the nature of all charges against me;

23 4. I understand that I am required to report for formal arraignment before the
24 Adams County Court of Common Pleas on the date and time provided to my
25 attorney. In that regard, I will consult with my attorney concerning the date

1 which I must appear. I am further aware that my presence at formal arraignment
2 is required and if I fail to appear, the proceeding may be conducted in my absence
3 and a bench warrant will be issued for my arrest;

4 5. I understand that my bail has been set at release on unsecured bail bond in the
5 amount of \$500 and that failure to appear as directed at all future court
6 proceedings or to otherwise comply with the conditions of bail as set forth herein
7 below will result in the amount of \$500 being assessed against me; and

8 6. I understand that the conditions of my release on unsecured bail are as follows:

9 a. I must appear at all times required until full and final disposition of the
10 case(s);

11 b. I must obey all further orders of court;

12 c. I must provide a current address and must give written notice to the
13 Adams County Clerk of Courts and the Adams County District Attorney
14 of any change of address within 48 hours of the date of the change. In this
15 regard, if my address listed on the criminal complaint is inaccurate, I must
16 advise the Clerk of Courts and the District Attorney of the correct address
17 within 48 hours of the date this document is executed by me;

18 d. I must neither do, nor cause to be done, nor permit to be done on my
19 behalf, any act as proscribed by Section 4952 of the Pennsylvania Crimes
20 Code (relating to intimidation of witnesses or victims) or by Section 4953
21 (relating to retaliation against witnesses or victims), 18 Pa. C.S. § 4952,
22 4953;

23 e. I must refrain from criminal activity; and

24 f. I must comply with any fingerprint order if issued by any court.
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Defendant

I represent that I am counsel of record in this matter and I concur in this waiver.

Attorney

Rules 542---569 Reserved.

This rule creation shall become effective after all the provisions of the Pennsylvania Rules of Criminal Procedure are met, to include the following:

- a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review in accordance with Pa. R.Crim.P. No. 105(D) ;
- b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rule is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code §13.11 (b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;
- c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.Crim.P. No. 105(F)(1);
- d. A copy of the local rule shall be published on the Unified Judicial System’s website.
- e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;
- f. The effective date of the local rule shall be 30 days after publication in the Pennsylvania Bulletin;

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BY THE COURT,

MICHAEL A. GEORGE

President Judge

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Board of Judges/Executive Assistants to the Board of Judges

Court Administration

Clerk of Courts Office

Department of Probation Services

Office of the District Attorney

Office of the Public Defender

Law Library

Adams County Bar Association

COPY