

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

2 Administrative Order

3 No. 6 of 2020

4 In Re: Amendment of Adams County Rule of Criminal Procedure 571, 571.1 and 571.2

5 **ORDER OF COURT**

6 AND NOW, this 29<sup>th</sup> day of April, 2020, the Court hereby Orders that Rule 571, 571.1 and  
7 571.2 of the Adams County Rules of Criminal Procedure shall be vacated and replaced as follows:

8 **Rule 571 Notice of Arraignment**

9 **A. In all cases where defendants are held for court, the Magisterial District Judge shall**  
10 **provide the defendant and counsel of record notice of the dates of formal arraignment,**  
11 **pre-trial conference, DUI date or plea date, and criminal trial term including jury**  
12 **selection. Notice shall be given at the conclusion of the preliminary hearing. The notice**  
13 **shall be in the form set forth in Rule 571.1 and shall be acknowledged by the defendant**  
14 **and counsel, if any. The defendant and defense counsel of record shall be given a copy of**  
15 **the notice at the time of acknowledgement. In the event the preliminary hearing is waived,**  
16 **notice may be given solely to counsel who thereafter shall provide written notice to their**  
17 **client and file with the Clerk of Court's Office the notice attached hereto, executed by their**  
18 **client, prior to the date of formal arraignment. No further notice of the scheduled court**  
19 **dates shall be required.**

20 **B. The court dates for further appearance of the defendant will be set in accordance with**  
21 **Local Rule 571.2.**

22 **C. The issuing authority shall transmit the original notice of court dates, along with the**  
23 **transcript, to the Clerk of Court's Office within five (5) days of the defendant being held**  
24 **for court.**

25 **Rule 571.1 Form of Notice**

**The notice shall substantially be in the following form:**

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**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA  
CRIMINAL**

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COMMONWEALTH OF PENNSYLVANIA

MJ-513 \_\_\_ -

VS.

CR-

CHARGES:

**NOTICE OF COURT DATES**

1. You must appear for formal arraignment at 8:30 a.m. on \_\_\_\_\_, 20\_\_ in Courtroom No. 1, fourth floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has filed a written waiver of arraignment with the Adams County Clerk of Court's Office prior to the above specified date and time. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.
2. You must appear for a pre-trial conference in the District Attorney's Office, Room 301, Adams County Courthouse, on \_\_\_\_\_, 20\_\_ at 10:00 a.m. Your failure to appear on said date and time will result in your bail being revoked and a bench warrant being issued for your arrest. If you are represented by counsel, your appearance may be waived upon consent of the Commonwealth.
3. You must appear at 8:30 a.m. on \_\_\_\_\_, 20\_\_ in a Courtroom to be designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or requesting a continuance in the above-captioned case. If you fail to appear on said date, your bail will be revoked and a warrant will be issued for arrest.
4. You are scheduled for trial during the trial term beginning \_\_\_\_\_, 20\_\_ at 8:30 a.m. in Courtroom No. 1, fourth floor, Adams County Courthouse. Jury selection will take place on the first day of the trial term and trials will be held throughout the length of the trial term. Your failure to appear will result in forfeiture of your bail and issuance of a warrant

1 for your arrest. If you fail to appear without cause for jury selection or trial, your absence  
2 may be deemed waiver of your right to be present and the proceeding, including trial, may be  
3 conducted in your absence. If trial occurs in your absence, you may be found guilty of all  
4 charges against you and subject to all penalties provided by law including imprisonment.

5 **FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT**  
6 **AFFORD ONE, YOU MAY BE ELIGIBLE FOR COUNSEL UPON COMPLETION OF**  
7 **AN APPLICATION FOR COURT APPOINTED COUNSEL AVAILABLE AT THE**  
8 **ADAMS COUNTY PUBLIC DEFENDER'S OFFICE AT 717-337-9842.**

9 I, the undersigned defendant, acknowledge that I have received a copy of the above Notice  
10 of Court Dates and understand that should I fail to appear on the dates set forth hereinabove,  
11 a bench warrant may be issued for my arrest. I further understand that a trial may be held  
12 in my absence if I fail to appear on the trial dates set forth hereinabove.

13 \_\_\_\_\_  
Date

13 \_\_\_\_\_  
Defendant's signature

13 \_\_\_\_\_  
Defense Attorney's signature

14 **THIS WILL BE YOUR ONLY NOTICE!**

15  
16 **Rule 571.2 Scheduling of Court Dates**

17 **A. The date on which a defendant shall be directed to appear for formal arraignment, pre-**  
18 **trial conference, DUI date or plea date, and trial will be as follows:**

- 19 1. Arraignment shall be scheduled on the first arraignment date, as established by  
20 the Court Calendar, which follows the date on which the defendant is held for  
21 court by at least twenty-one (21) days.
  - 22 2. Pre-trial conference shall be scheduled on the first pre-trial conference date, as  
23 established by the Court Calendar, which follows the date on which the defendant  
24 is formally arraigned by at least fourteen (14) days.
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1           3.       **Plea dates shall be held on DUI dates and plea dates, as established by the Court**  
2                           **Calendar, as supplemented by the Court Administrator’s Office pursuant to**  
3                           **paragraph B hereinbelow.**

4           4.       **Jury selection and trial shall be scheduled on the first day of the criminal trial**  
5                           **term, as established by the Court Calendar, which follows the DUI date/plea date**  
6                           **established above.**

7       **B.       The Court Administrator’s Office shall biannually prepare a schedule from the Court**  
8                           **Calendar, which shall list the dates of arraignment, pre-trial conference, DUI date or plea**  
9                           **date, and jury selection/trial term applicable for cases held for court on or before each**  
10                          **Central Court date. On or before January 1<sup>st</sup> and July 1<sup>st</sup> of each year, the Court**  
11                          **Administrator’s Office shall post the schedule for Central Court dates occurring within**  
12                          **the following six (6) months and provide copies to the Court, the Clerk of Court’s Office,**  
13                          **each Magisterial District Judge, the District Attorney, and the Public Defender. The**  
14                          **Magisterial District Judge shall enter the dates of court appearances and the notice**  
15                          **required by this rule in accordance with the schedule established by the Court**  
16                          **Administrator’s Office.**

17       **C.       If a defendant is held for court following a preliminary hearing on a date other than a**  
18                           **Central Court date, they shall be scheduled for additional proceedings according to the**  
19                           **schedule which would apply to the Central Court date immediately following the**  
20                           **preliminary hearing.**

21       **D.       In order to comply with Pennsylvania Rule of Criminal Procedure 600, the**  
22                           **Commonwealth may change the dates of plea and trial by providing the Court and**  
23                           **counsel with written notice of the same at the time of formal arraignment.**

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25           This rule amendment shall become effective after all the provisions of the Pennsylvania Rules  
of Judicial Administration 103 are met, to include the following:

1. A certified copy of this Order shall be submitted to the Criminal Procedural Rules Committee for review.
2. 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.
3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.
4. A copy of the proposed local rule shall be published on the 51<sup>st</sup> Judicial District website.
5. 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.
6. The effective date of the local rule shall be thirty (30) days after publication in the Pennsylvania Bulletin.

BY THE COURT,

MICHAEL A. GEORGE  
President Judge

Board of Judges  
Magisterial District Judges (4)  
Court Administration  
Clerk of Courts Office  
District Attorney's Office  
Public Defender's Office  
Department of Probation Services  
Adams County Law Library  
Adams County Bar Association  
jvs