

Court of Common Pleas  
Criminal Division

**Adoptions, Rescissions, Amendments to the Court of Common Pleas  
Local Criminal Rules Adopted by Board of Judges at 5-15-14 Meeting**

#	Local Rule	Current #	Comment
1	*100. Scope of Rules	None	New Rule.
2	*102. Citing the Local Criminal Procedural Rules	None	New Rule.
3	*103. Definitions	None	New Rule.
4	*104. Design of Forms	None	New Rule.
5	*105. Local Rules	None	New Rule.
6	*107. Contents of Subpoena	None	New Rule.
7	*115. Recording and Transcribing Court Proceedings	None	New Rule.
8	400. Emergency Criminal Court Operation Plan	same	Rescinded.
9	*122-1. Homicide Appointments System	same	Rescinded
10	*122. Standards for Appointment of Counsel	406 <sup>i</sup>	Renumbered; Amended.
11	*122-1. Standards for Appointment in Homicide Cases	406-1	Rescinded in 2011; # reserved
12	406-2. Appeals in Death Penalty Cases	same	Rescinded in 2011
13	*122-2 Standards for Appt. of Appellate Counsel in Cases Where the Death Penalty Has Been Imposed		New Rule No.; # Reserved
14	*122-3. Standards for Appt. of Appellate Counsel in Cases Where the Death Penalty Has Not Been Imposed	406-3 & 8	Renumbered
15	406-4 Post Conviction Petitions by Prisoners Under Sentence of...	same	Rescinded in 2011
16	*122-4 Standards for Appt. of PCRA Counsel in Cases Where the Death Penalty Has Not Been Imposed etc.	406-5 & 9	Renumbered; Amended
17	*122-5 Standards for Appointment in Felony Cases	406-6	Renumbered; Amended
18	*122-6 Standards for Appointment of Counsel in Misdemeanor Cases	406-7	Renumbered
19	406-10 Standards for Appointment in Major Felony Juvenile Cases	same	Rescinded.
20	406-11 Standards for Appt. of Counsel in Non-Major Felony Juvenile	same	Rescinded
21	*122-7 Experience Exception To Standards	406-12	Renumbered; Amended
22	*122-8 Performance Standards; Processing Complaints	406-14	Renumbered; Amended
23	*122-9 Remedial Measures	406-15	Renumbered
24	410 Appointment of Counsel in Homicide cases	same	Rescinded in 2011
25	*122-10 Appointment of Counsel in Multiple Defendant Cases	415	Renumbered
26	420 Appointment of Counsel for Cases Appealed to Supreme Court	same	Rescinded in 2011
27	421 Petition for Leave to Withdraw as Private or Court Appointed...	same	Rescinded in 2011
28	*122-11 Compensation Rates for Court-Appointed Counsel	424	Renumbered. Amended
29	*122-12 Guidelines for Court-Appointed Counsel Who Request Compensation and Reimbursement in Criminal Cases	425	Renumbered; Amended
30	*122-13 Procedure in Cases Involving Ineffective Assistance of Counsel	427	Renumbered
31	*122-14 Attorneys with Twenty (20) or More Cases	430	Renumbered
32	435 Cases in which Victim if a Minor	435	Renumbered
33	440 Expungement Petition Procedure	same	Rescinded
34	441 Automated Expungement under Section 17, 18 and 19 of the...	same	Rescinded
35	442 Automated Expungement under the Accelerated Rehabilitative...	same	Rescinded
36	*202 Approval of Search Warrant Applications by Attorney for the Commonwealth	402	Renumbered; Amended
37	*462 Trial <i>De Novo</i> . Summary Appeals	None	New Rule
38	*507 Approval of Police Complaints and Arrest Warrant Affidavits by the Attorney for the Commonwealth	401	Renumbered; Amended
39	*520 Regulations Pertaining to Bail, Court of Common Pleas and Municipal Court	500	Renumbered
40	528 Ten Percent (10%) Deposit of Bail	same	Amended in 2012
41	*530 Duties and Powers of Bail Agency	505	Renumbered
42	*536 Procedures upon Violation of Conditions: Revocation of Bail etc.	510 & 520	Renumbered; Amended
43	*540 Preliminary Arraignment	550	Renumbered; Amended
44	*542 Preliminary Hearing	555	Renumbered
45	560 Arraignment	same	Rescinded
46	*571 Arraignment	New rule	New Rule

<sup>i</sup> The 406 rules not rescinded have been renumbered (122-x) to be consistent with the state rules numbering scheme. References to renumbered local rules have similarly been updated throughout.

## Chapter 1. Scope of Rules, Construction and Definitions, Local Rules.

### Rule \*100 *Scope of Rules.*

These local rules shall govern criminal proceedings in the Trial Division of the Court of Common Pleas of Philadelphia County unless otherwise specifically provided.

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule \*102 *Citing the Local Criminal Procedure Rules*

These rules shall be known as the Philadelphia Court of Common Pleas Criminal Rules and shall be cited as "Phila. Crim.R."

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

## PART A. BUSINESS OF THE COURTS

### Rule \*103 *Definitions.*

The following words, phrases and descriptive functions shall clarify and supplement the definitions set forth in Pa.R.Crim.P. 102 and 42 Pa.C.S. § 102 et seq.:

"Office of Judicial Records." The office formerly known as the Office of the Clerk of Quarter Sessions (which was abolished by the Council of the City of Philadelphia effective on July 1, 2010) and the Clerk of the Courts. The Office of Judicial Records is responsible for maintaining the official criminal case file, maintaining docket entries in each criminal case, and performing such other duties as required by law.

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule \*104 *Design of Forms.*

All local forms shall comply with the Pennsylvania Rules of Criminal Procedures, shall be approved by the Administrative Judge of the Trial Division, may be amended from time to time at the direction of the Administrative Judge of the Trial Division, and shall become effective upon compliance with Pa.R.Crim.P. 105. All local forms shall be posted on the First Judicial District's website (<http://courts.phila.gov/forms>).

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule \*105 *Local Rules.*

The term "local rule" shall include General Court Regulations and Administrative Orders issued by the Administrative Judge of the Trial Division and President Judge of the Court of Common Pleas.

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule \*107 *Contents of Subpoena.*

- (a) Forms. Consistent with the requirements of Pa.R.Crim.P. 107, a Personal Appearance Subpoena and Subpoena Duces Tecum are adopted substantially as appended to these rules, and may be amended from time to time. All parties shall request subpoenas from the Office of Judicial Records which shall issue same upon payment of any requisite fees.
- (b) A subpoena may be used to command a person to attend and to produce documents or things at trial or hearing in an action or proceeding pending in court.
- (c) Subpoenas Served on the First Judicial District or any of its Employees. All subpoenas directed to the First Judicial District or any of its Employees shall be served on the Deputy Court Administrator for Legal Services, Room 369 City Hall, Philadelphia, PA who has been designated as the agent for acceptance of service of process and subpoenas directed to the First Judicial District or any of its employees.

*Explanatory Note:* Act 81 of 2006 requires the payment of \$43.00 plus mileage to the "First Judicial District of Pennsylvania" if District records are subpoenaed.

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule\*115 *Recording and Transcribing Court Proceedings.*

- (a) Unless otherwise ordered by the Court, proceedings before a Trial Commission need not be recorded.
- (b) (1) The request for a transcript of all or part of the testimony of a trial or other proceeding must be made on a Transcript Order Form or Digital Recording Transcript Form, as required by Philadelphia Rule of Judicial Administration No. 5000.5. Copies of official transcripts cannot be provided by the Office of Judicial Records but must be requested from Court Reporter and Interpreter Administration.
  - (2) The court may determine and designate those portions of the record that are to be transcribed as follows:
    - (i) Pre-Trial and Post-Trial Motions. The court may, upon receipt of a copy of a request for partial transcript, or upon receipt of a partial transcript, request that the Official Court Reporter transcribe additional portions of the transcript, or the entire transcript, if the transcription of the increased portion of the transcript is deemed necessary for the disposition of the outstanding post-

trial motions. The cost of such transcription shall be incurred by the party who filed the post-trial motions. In the event more than one party has filed post-trial motions, the cost of transcription shall be borne equally between or among such parties.

(ii) Appeals. Upon receipt of the order for transcription of notes of testimony in connection with an appeal, and the requisite payment or deposit thereon, the Official Court Reporter shall prepare a full transcript of the case on appeal, unless the appellant or a cross-appellant has requested and obtained an order of diminution of transcription from the trial court. Pa.R.A.P. 1922 requires that an application for an order providing for less than the entire proceeding shall be made in civil cases within two days after the order for transcript is filed, and in criminal cases as provided in Pa.R.Crim.P. 115. As provided in Pa.R.A.P. 1911, the appellant must request and pay for the transcription of testimony; however, cross-appellants shall share the initial expense equally with all other appellants.

*Editor's note:* Adopted June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

---

## PART B. COUNSEL

---

### Rule 122-1 *Homicide Appointment System* *[Rescinded]*

*Editor's note:* Suspended indefinitely and for all purposes on April 20, 2012. Rescinded effective immediately..

### Rule 122 *Standards for Appointment of Counsel.*

#### (A) *Lists of Qualified Attorneys*

The Appointment Clerk will maintain a list of attorneys qualified for appointment in each of the following categories of cases:

- (1) Homicide
- (2) Capital homicide appellate
- (3) Non-capital homicide appellate
- (4) Non-capital PCRA
- (5) Felony
- (6) Misdemeanor
- (7) Non-homicide appellate
- (8) Non-homicide PCRA

#### (B) *Selection of Attorneys*

- (1) Each attorney who desires appointment in each of the above categories of cases must fill out a questionnaire which will be submitted to a Screening Committee of the Philadelphia Bar Association. The Committee shall consist of seven members, each appointed for a staggered fixed term. All

members of the Screening Committee will be appointed by the Board of Judges of Philadelphia County. Neither the Chief Defender, nor any attorney from the Defender's Office, nor any attorney from the District Attorney's Office shall be eligible for appointment to the Screening Committee. In making such appointments, the Board of Judges shall consider the recommendation of the Criminal Justice Section of the Philadelphia Bar Association, which shall submit to the Board of Judges a list of not less than fifteen names. Each member of the Screening Committee must be familiar with the practice of criminal law in Philadelphia.

- (2) The Screening Committee will periodically review all questionnaires submitted, and will designate attorneys who are qualified for handling each category of case; the committee will maintain lists of such attorneys. It will be the duty of the Screening Committee to review these lists regularly, to add new applicants who meet the qualifications, and to remove from the lists names of attorneys who no longer meet the standards, who consistently refuse to accept appointments, or who, though qualified, refuse appointments in certain types of cases.

No member of the Screening Committee will be permitted to accept an appointment during his or her term on the Selection Committee.

- (3) The Criminal Justice Section is authorized to adopt rules of procedure governing: the recommendation of the members for the Screening Committee, the frequency of meetings, and the methods for establishing and maintaining lists of qualified attorneys.
- (4) The lists of approved attorneys will be transmitted to the Appointment Clerks in their respective offices of Criminal Listings and Secretary of the Board of Judges; these offices will then provide the lists to the judges authorized to make appointments.

*Editor's note:* Amended June 10, 2011, effective January 2, 2012. Formerly rule number 406. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### Rule \*122-1 *Standards for Appointment in Homicide Cases. [Rescinded]*

*Editor's note:* Rescinded at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 2, 2012. Renumbered on June 4, 2014. Supplanted by Pa.R.Crim.P. 801. Rule number reserved for future use.

**Rule \*122-2**      ***Standards for Appointment of Appellate Counsel in Cases Where the Death Penalty Has Been Imposed. [Reserved]***

**Rule \*122-3**      ***Standards for Appointment of Appellate Counsel in Cases Where the Death Penalty has Not Been Imposed.***

(A) *Qualifications for Counsel*

An attorney may be appointed as appellate counsel in cases in which the death penalty has not been imposed only if that attorney:

- (1) Has been admitted to the bar of the Pennsylvania Supreme Court, or admitted to practice pro hac vice;
- (2) Has submitted a writing sample to the Screening Committee;
- (3) Has filed briefs within the past two years, as appellate counsel in either the Pennsylvania Supreme or Superior Court in no fewer than three criminal cases, or has completed at least one Continuing Legal Education Program on Pennsylvania appellate practice within the past year, or has otherwise demonstrated to the Screening Committee appellate experience and a knowledge of Pennsylvania appellate practice;
- (4) Is readily available to accept appointments.

*Editor's note:* Formerly rule number 406-3 & 8. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-4**      ***Standards for Appointment of PCRA Counsel in Cases Where the Death Penalty has Not Been Imposed or of Counsel in Other Post-Conviction Evidentiary Hearings.***

(A) *Qualifications for Counsel*

An attorney may be appointed as PCRA counsel, or as counsel in other post-conviction hearings, only if that attorney:

- (1) Has been admitted to the bar of the Pennsylvania Supreme Court or admitted to practice pro hac vice;
- (2) Has experience, within the past two years, as PCRA counsel in no fewer than two cases in which a PCRA hearing has been held, or has completed one Continuing Legal Education program on Pennsylvania post-conviction practice within the past year;
- (3) Has participated in the preparation and litigation of three adversary hearings where factual issues were

contested. (This may include the two PCRA hearings required in paragraph 2.);

- (4) Is readily available to accept appointments.

*Editor's note:* Formerly rule number 406-5 & 9. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-5**      ***Standards for Appointment in Felony Cases.***

(A) *Qualifications for Counsel*

An attorney may be appointed as counsel only if that attorney:

- (1) Has been admitted to the bar of the Pennsylvania Supreme Court, or admitted to practice pro hac vice;
- (2) Is an active trial and/or appellate practitioner with at least two years' litigation experience (trial and/or appellate) in the field of criminal law in this or any other jurisdiction;
- (3) Has prior experience as counsel in no fewer than five criminal trials which were tried to completion in this or any other jurisdiction;
- (4) Has been counsel in at least two felony trials within the past two year period, or has completed at least one Continuing Legal Education program in the field of criminal law within the past year;
- (5) Is familiar with the practice and procedure of the Pennsylvania Supreme Court, and the Philadelphia Court of Common Pleas, and is reasonably available to accept appointments.
- (6) Has prior experience as counsel in no fewer than five criminal trials which were tried to completion in this or any other jurisdiction. "Tried to completion" shall include trials in which the jury is discharged at the conclusion of the case without reaching a verdict. No more than two of the required five trials shall consist of major felony juvenile cases; and
- (7) All attorneys certified in this category automatically shall be certified to handle non-homicide appellate and non-homicide PCRA matters.

*Editor's note:* The Board of Judges voted on February 17, 2005 to amend the preceding rule, pending final approval in May of 2005; amended July 14, 2005. Formerly rule number 406-6. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-6**      ***Standards for Appointment of Counsel in Misdemeanor Cases.***

An attorney may be appointed as counsel only if that attorney has:

- (1) been admitted to the bar of the Pennsylvania Supreme Court or admitted to practice pro hac vice.



- (2) completed at least one course or has viewed one videotaped program on Municipal Court practice within the past year, is familiar with the Pennsylvania Rules of Criminal Procedure, including, but not limited to, Rules 1000-1013 and is readily available to accept appointments or has demonstrated experience in Municipal Court cases.

*Editor's note:* Amended by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Formerly rule number 406-7. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-7 Experience Exception To Standards.**

- A. If any applicant fails to meet any of the above specified standards, the Screening Committee, after conducting a personal interview with the applicant, may rate the applicant to be qualified if the applicant's experience, knowledge and training are clearly equivalent to the standards for the category in which applicant seeks qualification, except as otherwise required by Pa.R.Crim.P. 801.
- B. Even if the applicant meets all of the specific standards in any category, but it appears to the Selection Committee that the applicant's experience, knowledge, training and/or past performance in specific cases, may show the need for more training or supervision, the Selection Committee may require the applicant to appear before the Committee for a personal interview, after which the Selection Committee may approve the applicant, or may require the applicant to undergo one of the remedial measures set forth in Rule \*122-9 before being approved. If the applicant refused to undergo those measures, or if after completing the measures, the Selection Committee still rejects the application, then the applicant may appeal the disapproval as provided in Rule \*122-8.

*Editor's note:* Adopted by the Board of Judges, General Court Regulations 89-3, May 31, 1989, effective immediately; the Board of Judges voted on February 17, 2005 to amend the preceding rule, pending final approval in May of 2005; amended July 14, 2005. Formerly rule number 406-12. Renumbered and amended on , effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-8 Performance Standards; Processing Complaints.**

- A. *General:* The Screening Committee may refuse to approve applicants as provided in Rule \*122-7.B, or may impose remedial measures, if the applicant fails to meet the performance standards set forth in this Rule.
- B. *Processing Complaints:*
1. Any complaint about the performance of any court-appointed counsel shall first be transmitted to an official in the Court Administrator's office designated for the receipt of such complaints. The official shall forward the complaint to the Chair of the Screening Committee.

2. All such complaints, as well as the identity of the complainant, shall remain absolutely confidential, except as set forth herein.
3. When the Chair of the Screening Committee receives such a complaint, he or she should appoint three members of the Committee as a Panel, and submit the complaint to that Panel. The Panel should review the complaint to determine whether it requires action. If the Panel finds that the complaint requires further action it should notify the subject and afford the subject an opportunity to reply or produce evidence in response to the complaint. The identity of the complainant should not be disclosed, unless the complainant waives confidentiality, provided that the non disclosure of the identity of the complainant does not preclude the subject from being able to address the substance of the complaint. Anonymity of the complainant shall go to the weight, but is not a bar to processing of a complaint. If it so determines, the Panel should notify the complainant that his or her identity will be disclosed, unless the complainant decides to withdraw the complaint.
4. Once the subject has submitted a reply to the complaint and any evidence deemed appropriate, the Panel should promptly review the matter. The Panel may recommend that the subject voluntarily undergo remedial measures. The Panel may in its discretion refer the matter to a Hearing Committee, as set out hereinafter. If the Panel decides that the matter does not require an immediate disposition, then the subject shall be notified that no remedial action will be taken at this time, but the matter shall be deferred for up to two years. If the subject does not receive two more complaints within that two year period, then the matter will be closed and the complaint dismissed. If complaints of 2 additional incidents arising from separate proceedings arise during a two year period following the first complaint, all open complaints may be referred to a Hearing Committee as set out herein.
5. A Hearing Committee shall consist of three members of the Criminal Justice Section appointed by the Executive Committee of the Criminal Justice Section. The Executive Committee shall name one of the three as Chair. None should be members of the Screening Committee. Those members should be respected and prominent members of the Section, with outstanding reputations for ethical conduct and knowledge of criminal law.
6. When a matter is referred to the Hearing Committee, the Committee will schedule hearing dates as soon as possible. One member of the Panel shall present the evidence of the deficient performance or skills. The Committee may invite the Complainant to appear. The subject must be invited to appear and may present evidence, and may be represented by counsel. The subject may have a court

reporter present at the subject's own expense; however, a copy of the transcribed notes must be provided to the Committee without cost to the Committee.

7. If a majority of the Hearing Committee finds that the charges have not been sustained by clear and convincing evidence, then the complaint should be dismissed with notice to the subject. If the Hearing Committee can impose any of the remedies set out in Rule Rule \*122-9 infra.

C. *Appeals:*

If the subject objects to any action of the Hearing Committee, then he or she may within 30 days appeal to the Court of Common Pleas. During the pendency of that appeal to the Court of Common Pleas, any remedies ordered shall be stayed. The President Judge of the Court of Common Pleas shall appoint three judges to hear such appeals. The scope of the hearing shall be de novo. One member of the Panel shall present the evidence concerning violation of the performance standard. The subject may also present any relevant evidence. The Court shall make any finding and impose any remedial measure authorized under Rule\*122-9 infra.

- D. None of the actions of the Panel, the Hearing Committee, nor of the Court of Common Pleas shall relieve any attorney or judge from the right or obligation to make a proper report to the Disciplinary Board in accordance with local Rule of Criminal Procedure 122-13.

*Editor's note:* The Board of Judges voted on February 17, 2005 to adopt the preceding rule, pending final approval in May of 2005; adopted July 14, 2005. Formerly rule number 406-14. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-9 Remedial Measures.**

- A. General: Once the Hearing Committee has determined that violation of these standards has been established, the Hearing Committee or reviewing court may impose any one or more of the following remedial measures. The purpose of these measures is not punitive, but remedial. Accordingly, the least onerous measure or measures should be imposed which is designed to remedy the type of violation adjudged.

B. *Types of remedies:*

1. *Warning:*  
The subject should be warned of the nature of the deficiency, and that future complaints could be grounds for more serious sanctions.
2. *Continuing legal education:*  
The subject could be urged, or required, to attend an appropriate legal education course.
3. *Mentoring:*  
The subject could be urged, or require, to utilize the services of a mentor provided by the Screening Committee, for one or more court-appointed cases.

4. *Second chair:*

The subject could be urged, or required, to sit as second chair to an experienced attorney, selected by the Screening Committee, for a specified number of cases.

5. *Probation:*

The Subject could be placed on probation for a specified period of time or number of cases, during which the subject's right to receive appointments could be conditioned upon such remedial measures as the Hearing Committee believes necessary. One member of the Prima Facie Panel should be named to monitor the subject during the probationary period.

6. *Suspension:*

The subject can be suspended from receiving any appointments for a specified period of time or a number of cases, and can be required to undergo remedial measures during the period of suspension.

7. *Decertification:*

If the deficiencies are considered very serious, and/or other remedial measures have not resulted in improvement, then the subject can be decertified from receiving appointments in a specific category or from all appointments. Any attorney decertified under this Rule may not reapply for appointments until at least one year has elapsed from the date of decertification and proof of satisfactory remediation is shown.

*Comment:* The above are subject to the requirements of Pa. R. Crim. P. 801.

*Editor's note:* The Board of Judges voted on February 17, 2005 to adopt the preceding rule, pending final approval in May of 2005; adopted July 14, 2005. Formerly rule number 406-15. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-10 Appointment of Counsel in Multiple Defendant Cases.**

In any multiple defendant case, the Defender Association may be appointed to represent only one of the defendants. It shall be the duty of the Commissioner at Common Pleas arraignment to appoint the Defender for the first indigent defendant identified and to arrange for the appointment of private counsel for the remaining indigent defendant(s).

**Administrative Regulation 72-5, July 19, 1972.**

*Editor's Note:* Formerly rule number 415. Renumbered on , effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*122-11 Compensation Rates for Court-Appointed Counsel.**

A. *Non-Homicide Criminal Cases*

- (1) Counsel, not exceeding one, who has been assigned to represent:

- (a) a defendant charged with a non-homicide criminal offense;
  - (b) an individual in any post-conviction proceedings or,
  - (c) a juvenile formally charged with delinquency, shall, at the conclusion of the representation, or any segment thereof, be compensated for his/her services in such representation and reimbursed for all reasonable expenses advanced by counsel which were necessarily incurred.
- (2) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial; otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement in accordance with Phila.Crim.R. \*122-12, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.
- (3) Counsel shall be compensated at a rate not exceeding forty dollars (\$40) per hour for time expended in a Court of record and at the rate of thirty dollars (\$30) per hour for time reasonably expended out of Court. For representation of a defendant in a case in which one or more felonies are charged or for proceedings under the Post Conviction Review Act, the compensation paid to an attorney shall not exceed fifteen hundred dollars (\$1,500). In a case in which only misdemeanors or juvenile delinquencies are charged, payment shall not exceed seven hundred and fifty dollars (\$750).
- (4) Payment in excess of the limits stated herein may only be made, if the Court to whom the application is made certifies to the Administrative Judge of the Trial Division that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation. Any payment in excess of the above limits will be at the discretion of the Administrative Judge of the Trial Division.
- (5)(a) Assigned counsel may also make a written request to obtain investigative, expert or other services necessary to an adequate defense in accordance with Phila.Crim.R. \*122-12 G(4). Upon finding after proper inquiry that such services are necessary, the Court shall authorize counsel to obtain such services on behalf of a defendant. The compensation paid to a person for such services rendered to a defendant shall not exceed five-hundred dollars (\$500).
- (b) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the Court, at the conclusion of such expert services rendered on behalf of the defendant counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and

Order shall be submitted to either the Trial Judge, if there is a trial, or to the Judge presiding over the disposition of the matter and may be submitted at any stage of the proceedings. The Petition and Order for reimbursement must contain all information and exhibits relevant to the reimbursement of expenses as described in Phila.Crim.R. \*122-12(D)(1) and (2). Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and authorize payment to counsel of such expert fees as are considered reasonable and necessary in accordance with Phila.Crim.R. \*122-12(G)(2). The reviewing Judge will then forward the Petition and Order for reimbursement to the Deputy Court Administrator for Fiscal Affairs for review and payment.

- (6) Counsel so assigned shall not, except with prior approval of the Court, receive or contract to receive directly or indirectly, any compensation for such services or reimbursement for expenses from any source other than herein provided.
- (7) Counsel shall be appointed under this Rule only when, because of conflict of interest or other sufficient reason, the individual cannot properly be represented by the Defender Association of Philadelphia. The provisions of this Rule shall not apply where the defendant is represented by the Defender Association of Philadelphia.

#### B. *Homicide Cases*

- (1) The appointment of counsel in homicide cases shall be made as may be provided by the Administrative Judge from time to time..
- (2) Counsel appointed pursuant to Section B(1) of this Rule shall not exceed one, except that in cases of extreme complexity or where the interest of justice would so require, the Trial Judge may, after consultation with, and the consent of the President Judge, appoint co-counsel.
- (3)(a) Assigned counsel may also make a written request to obtain investigative, expert or other services necessary to an adequate defense in accordance with Phila.Crim.R. \*122-12 G(4). Upon finding after proper inquiry that such services are necessary, the Court shall authorize counsel to obtain such services on behalf of a defendant.
- (3)(b) In order to expedite reimbursement to counsel for services rendered by investigators or other experts authorized by the Court at the conclusion of such expert services rendered on behalf of the defendant counsel may submit a Petition and Order for reimbursement to counsel of such expert fees. Said Petition and Order shall be submitted to either the Trial Judge, if there is a trial, or to the Judge presiding over the disposition of the matter and may be submitted at any stage of the proceedings. The Petition and Order for reimburse-



ment must contain all information and exhibits relevant to the reimbursement of expenses as described in Phila.Crim.R. \*122-12(D)(1) and (2). Upon submission by counsel of the Petition and Order for reimbursement, the appropriate Judge shall immediately review the Petition and authorize payment to counsel of such expert fees as are considered reasonable and necessary in accordance with Phila.Crim.R. \*122-12(G)(2). The reviewing Judge will then forward the Petition and Order for reimbursement to the Deputy Court Administrator for Fiscal Affairs for review and payment.

- (4) Upon the conclusion of counsel's representation under this Rule, or any segment thereof, the Judge sitting at the trial of the case, if there is a trial; otherwise, the Judge presiding over the disposition of the matter shall, after the filing of the claim and sworn statement in accordance with Phila.Crim.R. \*122-12, allow such counsel all reasonable personal and incidental expenses, and compensation for services rendered.
- (5) Counsel shall be compensated for services rendered at a rate not exceeding fifty dollars (\$50) per hour for time reasonably expended in Court, and forty dollars (\$40) per hour for time reasonably expended out of Court. Such compensation shall not exceed four thousand dollars (\$4,000) where one counsel has been assigned, and shall not exceed a total of six thousand (\$6,000) where two counsel have been assigned. Payment in excess of the limits stated herein may only be made, if the Court to whom the application is made certifies to the President Judge that because of extraordinary circumstances set forth, such additional payments are necessary to provide fair compensation for representation. Any payment in excess of the above limits will be at the discretion of the President Judge. When two counsel have been assigned, their claims for compensation and reimbursement shall be stated separately. Each claim for compensation and reimbursement shall be made in accordance with the provisions of Phila.Crim.R. \*122-12.
- (6) Counsel so assigned must file with the Judge an affidavit that he has not, directly or indirectly, received, nor entered into a contract to receive, any compensation for such services from any source other than herein provided.

#### C. *Appointments*

Appointments made pursuant to this Rule continue through all stages of the proceedings in accordance with Phila.Crim.R. \*122-12(B).

#### D. *Payment*

Such allowance of expenses and compensation under this Rule shall be a charge upon the City and County of Philadelphia, to be paid by the City Treasurer, upon the certification of the appropriate Judge.

#### E. *Reimbursement*

- (1) The defendant or the spouse, child (except as hereinafter provided), father and mother of every indigent person, whether a public charge or not, shall, to the extent of his, her or their financial ability, reimburse the City and County of Philadelphia for compensation and expenses incurred and paid to Court-assigned counsel at such rate as the Court shall order and direct. No child shall be liable for the support of any parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.
- (2) The Common Pleas Court shall have the power to hear, determine and make orders and decrees in such cases upon the petition of the City and County of Philadelphia. Such order shall have the force and effect of a judgment for the payment of money and shall be entered in the judgment index of the Office of the Prothonotary.
- (3) In all cases where an order has been made by the Court for reimbursement to the City and County of Philadelphia for compensation and expenses paid to Court-assigned counsel and the said order has not been complied with, the Court, or any Judge thereof, upon affidavit or petition filed setting forth that the person on whom the said order has been made has not complied with the said order, shall issue an attachment directed to the Sheriff, directing and commanding that the person named as having failed to comply with said order be brought before the Court at such time as the Court may direct. If it shall appear to the Court, after hearing, that the person on whom the said order was made has willfully neglected or refused to comply with said order, the Court may adjudge said person in contempt of Court and, in its discretion, may commit said person to the county jail for a period not exceeding six months.

*Note:* This Rule shall be effective as to all appointments made on or after July 1, 1986. Appointments made prior to July 1, 1986, shall be governed by Act 438 of January 19, 1968 (non-homicide criminal cases) and Act 180 of July 22, 1970 (homicide cases).

*Editor's note:* Adopted by the Board of Judges February 27, 1986, General Court Regulation 86-1, effective July 1, 1986; further amended by the Board of Judges, General Court Regulation 89-4, May 18, 1989, effective immediately; amended at the March 10, 2011 meeting of the Board of Judges of the Court of Common Pleas, effective on January 2, 2012. Formerly rule number 424. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### **Rule \*122-12    *Guidelines for Court-Appointed Counsel Who Request Compensation and Reimbursement in Criminal Cases.***

#### A. *Statutes:*

All petitions for compensation and reimbursement in cases where the defendant is charged with murder shall be treated under the provisions of Act 180 of July 22, 1970. This Act shall apply even where counsel is appointed for only a portion of the entire case and shall

include appellate proceedings. All other charges fall within the requirements of Act 438 of January 19, 1968.

B. *Appointments:*

Appointments in criminal cases continue from the time of the appointment through and including appeals to the highest state Appellate Court, including new trials and violations of probation, if any. The Court shall not permit appointed counsel to withdraw unless upon good cause shown. In any case where there is a change of appointed counsel, the statutory limitation amount shall apply to limit the aggregate amount of appointment fees to be paid in the case.

C. *Payments:*

In order to receive payment for services rendered and costs incurred, each Court-appointed counsel must file an original and three (3) legible copies of a request for compensation and reimbursement in the form of a petition and order with the Deputy Court Administrator for Fiscal Affairs.

- (1) Petitions requesting compensation for pretrial work, trial work, or work done in connection with post-trial motions may be filed only after judgment of sentence or verdict of acquittal has been rendered.
- (2) Petitions requesting compensation for work done in connection with an appeal may be filed only after oral argument has been held unless the appeal is to be decided on briefs only in which cases petitions may be filed only after all briefs have been submitted.
- (3) Petitions requesting compensation for PCRA work may be filed only after a hearing has been held and all required briefs have been submitted.

The above limitations do not apply where Court-appointed counsel has withdrawn his/her appearance prior to the time a filing is permitted. In such cases, petitions may be filed immediately after counsel's petition to withdraw has been granted. In all other cases, however, petitions for compensation may not be filed at a time other than specified except in the event of extraordinary circumstances which must be set forth in the body of the petition.

D. *Content of Requests for Compensation:*

- (1) The petition must include the following: the Trial Judge's name, the Court, term and number of the case, the defendant's name, the appointed counsel's name, the charge(s), the current status or final disposition of the case as of the time of the petition, an averment that neither compensation nor reimbursement was received from any other source, an averment that defense counsel personally performed the services set forth, a wherefore clause stating the total amount of compensation and reimbursement requested, any appropriate exhibits and an affidavit of counsel. In addition, the following exhibits shall be attached as a part of the petition: a chronologically itemized list of the time expended, services rendered and expenses incurred

as well as a copy of the appointment letter and other relevant orders, such as an authorization order for experts and investigative fees.

- (2) The order must include the Trial Judge's name, the Court, term and number of the case, the defendant's name, the appointed counsel's name, the charge(s), and the appropriate blank spaces for the total amount of compensation and expenses to be paid.

E. *Review by Deputy Court Administrator for Fiscal Affairs:*

The Deputy Court Administrator for Fiscal Affairs shall initially review the petition, and comment on the correctness of the mathematical calculations, the prior payments disbursed, the appropriate statute to be considered by the Judge, and any unusual aspects concerning the petition which should be brought to the attention of the reviewing Judge.

F. *Substance of Review:*

Petitions for compensation and reimbursement shall be reviewed as follows:

- (1) In those cases in which counsel has not requested a sum beyond the statutory limit, the Trial Judge<sup>1</sup> shall review the petition and the calculation sheet of the Deputy Court Administrator for Fiscal Affairs and enter an order for payment in an appropriate amount which constitutes final approval.
- (2) For Act 180 (murder) cases in which the sum requested exceeds the statutory limit, only the President Judge has the authority to approve payment beyond the statutory limit. Where such a sum is requested in counsel's petition, the Trial Judge shall forward the petition to the Deputy Court Administrator for Fiscal Affairs for submission to the President Judge. The Trial Judge shall attach his recommendation to the petition and a brief statement in support thereof. The order for payment by the President Judge will constitute final authority.
- (3) In Act 438 (non-murder) cases in which counsel has requested a sum which is in excess of the statutory limit, the authorization of the appropriate Administrative Judge is required. Where such a sum is requested in counsel's petition, the Trial Judge shall forward the petition to the Deputy Court Administrator for Fiscal Affairs for submission to the appropriate Administrative Judge and attach a statement of his recommendation and a brief supporting statement thereof. The order for payment by the appropriate Administrative Judge will constitute final authority.

G. *Standards:*

The following standards shall apply to determine the appropriate compensation and reimbursement:

- (1) In-Court time is that time which counsel is actually engaged in Court representing the defendant in the assigned case in a judicial proceeding. Out-of-Court time is all other time reasonably expended in the representation of the defendant in the assigned case including time spent waiting in Court for the case to be reached. It is within the Judge's discretion to determine whether time is reasonably spent. The Court in determining reasonableness may consider whether the time spent was necessary or whether less time consuming alternatives existed.
- (2) Counsel may be reimbursed for reasonable extraordinary duly authorized expenditures necessary for the proper representation of the defendant including, but not limited to, unusual out-of-town travel, reproducing documents, filing fees, if an actual expense, witness fees including expert fees and fees for consulting with potential expert witness and investigatory fees.
- (3) Expenditures which are not considered extraordinary and are not therefore reimbursable include, but are not limited to, normal travel, secretarial services, preparation of the petition and order for reimbursement and compensation or general legal research.
- (4) Counsel should obtain an authorization order for the expenditure of sums for experts, investigation fees and other extraordinary expenses. The petition, rule and order for authorization may be filed before the appropriate Calendar Judge, the motions Judge or to the assigned Trial Judge, depending on the status of the case. In extraordinary situations, the President Judge or the Administrative Judge of the appropriate division shall review the request.<sup>1</sup> Any authorization petition filed should indicate whether any other similar requests have been filed or granted. In those cases where the actual expenditure exceeds the authorization order, the appropriate Judge shall decide whether the sum requested will be allowed. Where the Court orders reimbursement of expenses prior to a final disposition, the Court may also order payment forthwith where delay in reimbursement may cause difficulty in obtaining the services for which expenses are being awarded.
- (5) Where an appeal is taken, counsel must file an affidavit of indigency with the appropriate Appellate Court to eliminate the payment of filing fees and therefore negating the necessity for counsel's subsequent request for reimbursement by the Court.
- (6) Counsel should consider that appointment by the Court is a public trust and should keep requests for compensation and reimbursement to a fair and

<sup>1</sup> Except Municipal Court non-law Judges or Trial Judges retired, deceased or disabled, in which case the appropriate Administrative Judge shall act as a reviewer.

reasonable sum consistent with any other request for payment out of public funds. If counsel does not feel that such a request can remain within this standard, he should decline the appointment.

**Administrative Regulation no. 76-9, effective May 13, 1976; superseded by Administrative Regulation no. 79-6, November 7, 1980; paragraphs E and F amended June 1, 1981 by Administrative Regulation 81-2; paragraph B amended by General Court Regulation 85-5, effective May 7, 1985.**

*Editor's note:* Formerly rule number 425. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*See Forms Index*

## PART E. MICELLANEOUS WARRANTS

### Rule \*122-13

#### *Procedure in Cases Involving Ineffective Assistance of Counsel. General Criminal Rules.*

In all cases where an allegation of ineffective assistance of counsel has been finally sustained, whether by the Trial Court or an Appellate Court, and in all cases where relief is sought based on trial counsel's self-declared ineffectiveness (whether or not a finding of ineffectiveness is finally made by a Court) the following procedures shall be followed.

A copy of the Court's Opinion and Order will be forwarded by the Trial Judge (or the supervisor of the Appeals Unit in appellate remands) to the Deputy Court Administrator for Criminal Listings together with relevant portions of the Notes of Testimony when available. It will be the responsibility of the Deputy Court Administrator to maintain a record of all such cases. After recording receipt of the case, three copies of the documents ordered will be forwarded to each member of a panel which shall consist of the Administrative Judge of the Trial Division, the Court Administrator and the Trial Judge. If after reviewing the record and consultation, a majority of the panel concludes there is probable cause for disciplinary action the case shall be referred to the Disciplinary Board of the Supreme Court.

Judges shall be notified through the Office of Court Administration of all cases wherein an allegation of ineffective assistance of counsel has been sustained or wherein relief was sought based on the self-declared ineffectiveness of trial counsel. Said notice shall serve as a guide to Judges when consideration is given to candidates for appointments to represent indigent defendants.

Nothing in this procedure shall prohibit a Judge, action sua sponte, from referring a case for investigation to the Disciplinary Board. However, in all such cases, the Judge shall notify the Deputy Court Administrator that such action has been taken, so that a record may be maintained and the proceeding followed.

*Editor's note:* General Court Regulation 86-3, March 7, 1986, effective immediately; further amended May 9, 1986, General Court Regulation 86-4, effective immediately. Formerly rule number 427. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.



**Rule \*122-14**      *Attorneys with Twenty (20) or More Cases.*

Counsel representing defendants in twenty (20) or more criminal cases which have not been brought to trial within six months of the initiation of prosecution (such category will hereinafter be referred to as “inventory”) shall be precluded from entering an appearance for or in any other manner representing any additional defendant or defendants in any other criminal case in any Court in this county until such time as said inventory is reduced to less than twenty (20) cases.

- (A) It shall be the duty of the Director for Data Processing and Technology, at the end of every month, to prepare a list of attorneys who, at such time, represent such an inventory. Said list shall include the attorney’s name, the number of cases in such inventory, the name of each defendant in each such case, the charges and the Court term and number. A copy of this list shall be furnished to the Chief Deputy Court Administrator for Operations, to each counsel named and the Office of the District Attorney, with notice to counsel that this Rule will become operative, unless, within ten (10) days, a petition is filed in accordance with (B) hereof.
- (B) Counsel affected by the application of this Rule shall have the right to petition the President Judge of Common Pleas Court to assign a Judge thereof to promptly fix a hearing for the purpose of determining:
- (1) The accuracy of the list prepared by the Court Administrator,
  - (2) The responsibility for the delay in any of the listed cases,
  - (3) The existence of extraordinary circumstances or compelling reasons justifying exemption from the Rule.

The filing of such a petition shall operate as a supersedeas.

- (C) Notices of this hearing shall be given to petitioner and the District Attorney, both of whom shall have the right to be heard and to present documentary and other pertinent evidence. The Court, at the conclusion of the hearing, shall promptly make findings of fact.
- (D) Upon finding that a petitioner’s inventory has not been occasioned by his inability to appear for cases which are otherwise ready for disposition, the Court shall enter an Order relieving him from the application of this Rule, accompanied by such other Order as may be appropriate.
- (E) Where subject counsel has one or more partners or associates in the practice of law, entries of appearance by said partners or associates shall not be considered in determining the defendants represented by counsel whose cases have not been brought to trial within the prescribed time. In no event shall substitution of appearances be permitted by counsel where such substitution is to avoid compliance with this Rule. Defendants who are fugitives or whose cases are in deferred status by reason of incompetency or other good and sufficient reason, shall not be included in determining

the number of cases outstanding for a period in excess of six months.

*Editor’s note:* General Court Regulation 73-3, July 5, 1973. Formerly rule number 430. Renumbered on June 4, 2014, effective thirty (30) days after the publication in the *Pennsylvania Bulletin*.

**Rule 435**      *Cases in Which Victim is a Minor*

All cases in which a victim is a minor are to heard by the Family Court Division, Juvenile Branch.h.

*Editor’s note:* Amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

---

**CHAPTER 2. INVESTIGATIONS.**  
**PART A. SEARCH WARRANTS**

---

**Rule \*202**      *Approval of Search Warrant Applications by Attorney for the Commonwealth.*

The District Attorney of Philadelphia County having filed an amended certification pursuant to Pa.R.Crim.P. 202, no search warrant shall be submitted to any judicial officer unless it has first been reviewed and approved by an attorney for the Commonwealth.

*Editor’s note:* General Court Regulation 82-10, November 8, 1982 implementation stayed by Court order dated November 5, 1982, to apply to arrests or search warrants issued after 8 a.m. on November 22, 1982; amended by General Court Regulation 84-4, effective April 2, 1985. Renumbered and amended on June 4, 2014, former Philadelphia Criminal Rule 402, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

---

**CHAPTER 4**  
**PART F. PROCEDURES IN SUMMARY CASES FOR APPEALING TO COURT OF COMMON PLEAS FOR A TRIAL DE NOVO**

---

**Rule \*462**      *Trial De Novo. Summary Appeals.*

The court of common pleas may schedule a status or settlement conference prior to the de novo summary trial. In the event the attorney for the Commonwealth and the defendant reach a negotiated plea, the plea may be entered before a Trial Commissioner and, upon approval by a judge, the negotiated sentence will be recorded. In the event a negotiated plea is not reached or is not approved by the court, the case shall be heard de novo by a judge of the court of common pleas sitting without a jury.

*Editor’s note:* Adopted June 4, 2014, effective thirty (30) after publication in the *Pennsylvania Bulletin*.



## CHAPTER 5

### PART B(1). COMPLAINT PROCEDURES

**Rule \*507**      *Approval of Police Complaints  
and Arrest Warrant Affidavits by  
Attorney for the Commonwealth.*

The District Attorney of Philadelphia County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging any misdemeanor or felony shall not be submitted to any judicial officer unless it has first been reviewed and approved by an attorney for the Commonwealth..

The effective date of this procedure shall be Monday, November 8, 1982, at 8 a.m.

*Editor's note:* General Court Regulation 82-9, November 8, 1982 implementation stayed by Court order dated November 5, 1982, to apply to arrests made after 8 a.m. on November 22, 1982. Renumbered (former Philadelphia Criminal Rule 401) and amended June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### PART C. BAIL

**Rule 515**      *Bench Warrant Hearings.*

If a defendant arrives late to court after a Bench Warrant has been issued and the Commonwealth's witnesses have been excused, the judge may hold an immediate bench warrant hearing to determine whether the defendant's lateness was willful. If the judge determines that the lateness was willful, the judge may increase the defendant's bail if it appears that there is an increased likelihood that the defendant will fail to appear at the next listing.

*Editor's note:* Amended by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006.

**Rule \*520**      *Regulations Pertaining to Bail,  
Court of Common Pleas and  
Municipal Court.*

*Editor's note:* Current rule retained in its entirety. Formerly rule number 500. Amended June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### PART C(1) RELEASE PROCEDURES

**Rule 528**      *Ten Percent (10%) Deposit of Bail.*

(A) Any defendant who has been properly granted bail may obtain his release from custody as provided herein by depositing with the Office of Judicial Records a sum of money equal to ten percent (10%) of the full amount of the bail, but in no event less than twenty-five dollars (\$25), and by executing a bail bond. A private

individual who is not a surety company or bail bondsman may act as a third-party surety and execute the aforementioned bail bond on behalf of the defendant. Except as provided in this section, no other individual or business entity may act as a third-party surety unless approved by the Administrative Governing Board of the First Judicial District of Pennsylvania upon filing a petition pursuant to Pa.R.Crim.P. 531 and applicable local rules of court.

- (B) With respect to deposited bail pursuant to subsection (A), the Court is empowered to designate a minimum sum of money which shall be retained by the Court.
- (C) Should the defendant fail to appear as required by the bail bond, and not appear in court within ninety (90) days after notice of the forfeiture, as provided by Pa.R.Crim.P. 536(A)(2)(c), the amount deposited shall be forfeited and a judgment will be entered for the balance of the total bail ordered. Forfeitures and bail judgments shall only be reduced or vacated pursuant to Philadelphia Criminal Rule \*536 and other applicable local rules of court.
- (D) Upon the full and final disposition of the criminal case in which bail has been deposited:
- (1) the bail deposit shall be returned in full, as provided in Pa.R.Crim.P. 535, if the defendant has appeared as required at all times for all court hearings and other events as required by the bail bond; or
  - (2) the bail deposit, less the retention amount authorized pursuant to subsection (B), shall be returned if the defendant has not appeared as required at all times for all court hearings and other events as required by the bail bond.
- (E) A defendant or a third party surety as defined in this rule may post realty as security for bail. In this event, an encumbrance shall be created immediately on such realty before the defendant may be admitted to bail. The said encumbrance shall remain in force until the case is disposed as provided in subsection (D).

Realty posted as security for bail shall be valued in an amount equal to the assessed value of the realty used for determining tax liability on the realty. Only realty with an unencumbered assessed value equal to, or in excess of, the full amount of bail shall be accepted as security for the bail.

*Comment:* Subsection (A) authorizes posting cash bail with the Office of Judicial Records.

Subsection (B) authorizes the Court to designate, consistent with Pa.R.Crim.P. 535(D), the fee to administer the cash bail program. The retention figures designated by the Court are 30% (thirty percent) of the amount of the deposit or 3% (three percent) of the total amount of the bail. However, the Court has directed that the maximum amount retained shall not exceed \$1,500 regardless of the total amount of the bail or the amount of the cash deposit, and that in no event shall the amount retained by the Court be less than \$10 (ten dollars).

Subsection (C) provides guidance regarding the forfeiture of the bail deposit and entry of a judgment for the balance of the bail ordered as well as reduction and vacation of same.

Subsection (D) provides that the entire bail deposit will be returned if the defendant appears for all court hearings and events, and that the retention amount established in subsection (B) shall be retained if the defendant does not appear as required.

Subsection (E) controls real estate posted as bail.

**Editor's note:** Star Rule \*4008.1, adopted May 17, 1973; Star Rule \*4009.1, adopted May 17, 1973, and Star Rule \*4010(c), adopted May 20, 1971. General Court Regulation 73-5, July 2, 1973; comment amended by General Court Regulation 80-13, effective July 1, 1980; comment amended by General Court Regulation 88-4; effective June 1, 1988. Former Phila. Crim. R. 506. Comment amended and rule renumbered on April 20, 2012 by Administrative Governing Board Order 03 of 2012. Amended October 10, 2018, effective immediately.

**PART C(2). GENERAL PROCEDURES IN ALL BAIL CASES**

**Rule \*530 Duties and Powers of Bail Agency. Pretrial Services Division.**

In all cases where the defendant is released on bail, whether the bail be nominal or substantial, and including cases where the defendant is released on his own recognizance, the Pretrial Services Division may be designated as surety for the defendant. Such designation shall not relieve the defendant or any third-party surety of any obligation imposed by these rules or other provisions of law.

Where the Pretrial Services Division is designated as a surety, the defendant shall be subject to all reasonable supervisory rules and regulations imposed by the Pretrial Services Division.

Where the defendant fails or refuses to comply with these rules, he may be brought before the Court to determine whether additional bail shall be set in the case.

**Star Rule \*4007.1, adopted May 17, 1973; General Court Regulation 71-7, July 8, 1971.**

**Editor's Note:** Formerly rule number 505. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*536 Procedures upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration of Surety.**

(A) The presiding Judge may issue a bench warrant and order bail to be forfeited whenever the defendant does not appear on a day indicated, within one hour of the scheduled Court action.

At preliminary arraignment each defendant shall be given written notice of his next Court appearance. This notice shall state the date, time and place of the required appearance. It shall be the responsibility of the

defendant to appear for any scheduled Court action. The defendant shall be served with written notice of any subsequent Court action, but failure to receive notice will not relieve the defendant of the responsibility of appearing.

THE SURETY IS UNDER OBLIGATION TO PRODUCE THE DEFENDANT FOR ALL REQUIRED COURT APPEARANCES UNDER PENALTY OF FORFEITURE OF HIS BAIL BOND. NO OTHER NOTICE TO THE SURETY SHALL BE REQUIRED.

- (B) Any bench warrant issued may be withdrawn by the presiding Judge or Administrative Judge, for proper cause. A bail order sue-out may be withdrawn by the presiding Judge or Administrative Judge at any time before judgment is entered thereon.
- (C) Rescinded.
- (D) No bail order sue-out which is reduced to judgment may be rescinded or altered, except by the President Judge of the Common Pleas Court or his designee, in accordance with the following procedure:
  - (1) The surety shall file a petition in original and three copies with the Office of Judicial Records as may be provided from time to time.
  - (2) A hearing will be scheduled before a designated Court officer at which the surety will have the opportunity to demonstrate facts in support of his petition, and to make oral argument. The hearing officer will make findings of fact and submit them to the President Judge or his designee for review.
  - (3) As a general guideline, judgment on forfeited bail shall be reduced according to the following schedule, absent compelling reasons to the contrary:

*See Forms Index*

- (4) For good cause shown, the President Judge or his designee may order all or partial vacation of judgment notwithstanding the schedule in subsection 3.

*See Forms Index*

(E) Any surety, for proper cause finding his position insecure, may apply to and obtain a Bail Piece from the Office of Judicial Records. This Bail Piece shall entitle said surety to arrest the named defendant for which the surety has deposited bail and surrender him to the Superintendent of Prisons for incarceration. The Superintendent of Prisons shall accept said defendant for incarceration when a proper bail piece is submitted to him.

*Editor's note:* General Court Regulation 71-3, July 1, 1971; General Court Regulation 72-18, April 28, 1972; amended by General Court Regulation 85-3, effective May 6, 1985; section (C) rescinded February 29, 2012 by Administrative Order No. 01 of 2012. Formerly rule number 510 & 520. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

---

**PART D. PROCEEDINGS IN COURT  
CASES  
BEFORE ISSUING AUTHORITIES**

---

**Rule \*540**                    *Preliminary Arraignment.*

- (A) Preliminary arraignments shall be held 24/7/365.
- (B) Police shall direct all requests for bedside arraignments to the Arraignment Court Magistrate sitting on the day shift at the Justice Juanita Kidd Stout Center for Criminal Justice.

*Editor's note:* Former rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Formerly rule number 550. Renumbered and amended on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*542**                    *Preliminary Hearings.*

- (A) A Municipal Court judge may dismiss a case at preliminary hearing when the Commonwealth witnesses fail to appear three times. The court may issue bench warrants for Commonwealth witnesses in appropriate cases.
- (B) A Municipal Court judge may appoint the Defender Association to represent the defendant at the preliminary hearing only where the case has previously been continued for the non-appearance of private counsel.

*Editor's note:* Former Rule 555 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Formerly rule number 555. Renumbered on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*556.**                    *Indicting Grand Jury.*

The First Judicial District shall, from time to time, designate court of common pleas judges to serve as Supervising Judges of Philadelphia County Indicting Grand Jury(ies).

*Note:* By order dated September 27, 2012, the Pennsylvania Supreme Court granted the First Judicial District's "Petition for Empanelment of Indicting Grand Jury" and authorized the First Judicial District to empanel indictment grand juries, in accordance with Pa.R.Crim.P. 556 et seq., on or after December 18, 2012. See In re Petition for Empanelment of Indicting Grand Jury, No. 138 EM 2012.

*Editor's note:* Adopted on October 27, 2016, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule \*556.2.**                    *Philadelphia County  
Indicting Grand Jury  
Procedures and Protocols.*

1. When the District Attorney, at the time of a defendant's preliminary arraignment in Municipal Court, requests that a case be sent to the Indicting Grand Jury (IGJ) rather than being scheduled for a preliminary hearing in Municipal Court (MC), the case will be listed in 30 days in Common

Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status.

2. After preliminary arraignment, the District Attorney's Office will file an ex parte motion pursuant Pennsylvania Rule of Criminal Procedure (Pa.R.Crim.P.) 556.2 with one of the IGJ Supervising Judges requesting approval to have the case heard by the IGJ. The motion must allege that witness intimidation has occurred, is occurring, or is likely to occur in the case. The motion is reviewed by an IGJ Supervising Judge for approval. If the motion is granted, the IGJ must act on the case within 21 days of the date the order granting the motion was signed by an IGJ Supervising Judge. If the District Attorney's Office requests a preliminary hearing after the motion authorizing presentment to the IGJ is granted by an IGJ Supervising Judge, then the case will remain in Common Pleas Court and be listed for a preliminary hearing in front of the IGJ Preliminary Hearing Supervising Judge in Courtroom 1107. If no motion has been signed and the District Attorney's Office requests that a preliminary hearing be held instead of the case proceeding by way of the IGJ, then the case will be sent back to Municipal Court for a preliminary hearing in the appropriate MC courtroom.

3. If the District Attorney's Office requests that a case be sent from a preliminary hearing room to Common Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status, the procedures delineated in # 2 above will also apply.

4. All bail motions filed prior to the first status date in Courtroom 1107 will be heard by the IGJ Preliminary Hearing Supervising Judge on the first status listing, unless the IGJ Preliminary Hearing Supervising Judge agrees to list the bail motion earlier. The IGJ Preliminary Hearing Supervising Judge will continue to handle any bail motions filed after the first status date, until the case is assigned for trial.

a. Until otherwise provided, all bail motions filed on IGJ cases must be served on Assistant District Attorney Norman Millard or paralegal Alyssa Ecker by fax or e-mail at least one business day prior. An Assistant District Attorney (ADA) will not be present to argue bail motions unless prior notice is given.

Fax: 215-683-7608/09/10

Email: norman.millard@phila.gov

alyssa.ecker@phila.gov

b. Bail motions will be heard on Fridays at 9:00 a.m. during the IGJ case status listings unless the defense attorney and the specially assigned ADA agree to list the motion on a different day consistent with the IGJ Preliminary Hearing Supervising Judge's calendar.

5. If the District Attorney's Office refiles a case that it intends to present to the Indicting Grand Jury, the District Attorney's Office must request the case be listed directly in Common Pleas Courtroom 1107 before the IGJ Preliminary Hearing Supervising Judge for status. The procedures delineated in # 2 above will also apply.



6. If a case is presented to the Indicting Grand Jury and the defendant is not indicted, the District Attorney’s Office will immediately notify an IGJ Supervising Judge and the case will be dismissed. If the defendant is in custody on the matter, an order directing his/her release on that matter will be sent to the Philadelphia County Prison Record Room or the Pennsylvania Department of Corrections Record Room. If the defense attorney has made his/her e-mail address available to the District Attorney’s Office, a copy of the order will be e-mailed. Otherwise, the defense attorney will be notified by telephone, fax or first class mail.

7. At the status listing in Courtroom 1107, if the grand jury has voted to indict the defendant, the IGJ Preliminary Hearing Supervising Judge will direct the clerk to hold the defendant for court on those charges listed in the indictment. If the case is held for court, defendants who are out of custody will be given notice about IGJ procedures and their rights in Courtroom 1107. (See Appendix C)

8. The case then will be sent to Courtroom 1104 for formal arraignment in Common Pleas Court. During formal arraignment, defense will be provided Bills of Information, a disclosure order (see Appendix A), and a copy of the Indictment (if not filed under seal).

9. Following formal arraignment in Common Pleas Court, the case will be sent directly for a scheduling conference to the trial judge designated for the zone where the alleged crime occurred. Family violence and sexual assault IGJ cases will be assigned to the designated trial judges, who handle family violence and sexual assault cases, on a random basis and not based on where the alleged crime happened. All homicide IGJ cases will be listed in front of the Homicide Calendar Judge in the Homicide Calendar Room—Courtroom 1105. The Homicide Calendar Judge will handle all motions to quash, bail motions and discovery motions for IGJ direct file cases while these cases are in the Homicide Calendar Room. The Homicide Calendar Judge will handle all bail motions and IGJ discovery motions on IGJ cases in the Homicide Program, assisted by an IGJ Supervising Judge as provided from time to time.

10. After formal arraignment of a defendant indicted by the IGJ and the assignment of the case to a trial judge, any bail motions and pretrial discovery motions will be listed before an IGJ Supervising Judge according to the zones outlined below. Likewise, bail motions and pretrial discovery motions for family violence and sexual assault IGJ cases will also be listed before an IGJ Supervising Judge based on which zone the case is assigned for trial at the time of formal arraignment. All pretrial discovery for IGJ cases shall be conducted pursuant to Pa.R.Crim.P. 556.10(B)(5), relating to the disclosure of grand jury material.

*Indicting Grand Jury Zones and Case Types*

- IGJ Preliminary Hearing Supervising Judge South & Southwest Zone Cases
- Northeast & Northwest Zone Cases
- Central & East Zone Cases
- Direct File Juvenile Cases Homicide Cases

11. All IGJ defendants in custody will have a video conference with a Trial Commissioner on the Thursday following their formal arraignment. During the conference defendants will be informed on how their case has been handled by the IGJ, how their case will proceed to trial, contact information for their attorney, and their rights under the IGJ Rules and Procedures in the FJD. (See Appendix D). IGJ cases will be listed for trial within six (6) to nine (9) months, if possible, unless a longer date is agreed upon by counsel. At the scheduling conference, the District Attorney’s Office will provide to defense a notice of rights. (See Appendix B). The District Attorney’s Office will provide pretrial discovery to defense, pursuant to Pa.R.Crim.P. 573; however, pursuant to Pa.R.Crim.P. 556.10(B)(5), the District Attorney’s Office will withhold all testimony and evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated, or is likely to be intimidated.

12. All IGJ cases listed for trial will also receive a status date, 60 days prior to trial, for a pretrial readiness conference. At this conference, the court will determine if the defense and the District Attorney’s Office expect to be ready for trial. If both sides are ready for trial, IGJ material will be turned over to defense counsel, subject to the disclosure limitations listed below. A motion to quash and any other motions may be filed within 10 days of when the transcript from the IGJ and any other IGJ discovery is turned over to defense counsel. If the case is not expected to be ready for trial, the case will get a new trial date and a new 60-day status date. The District Attorney’s Office will not turn over IGJ material until the trial court has made a determination that the case is expected to go forward as scheduled. The 60-day date for disclosure of IGJ material may be modified by order of an IGJ Supervising Judge.

a. *Disclosure limitations:* pursuant to the standard disclosure order, defense counsel may not give copies of the grand jury material to the defendant to retain or copy in any way and may not disclose the grand jury material to any other parties without an additional disclosure order from an IGJ Supervising Judge. In connection with the standard disclosure order, grand jury material may be given to an investigator or mitigation specialist working for the defendant on a case where the defendant was indicted by the IGJ and is now awaiting trial.

b. After a determination that the case is ready for trial and disclosure of grand jury material to defense, the trial court will schedule a hearing for any filed motions to quash and other pretrial motions requested by defense counsel. Motions to quash and other pretrial motions will be heard by the trial court.

13. Defense motions to continue the trial for any IGJ defendant may not be granted without the approval of one of the designated IGJ Supervising Judges.

*Editor’s note:* Adopted on October 27, 2016, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

***See Forms Index***



## PART F. PROCEDURES FOLLOWING FILING OF INFORMATION

### **Rule 560**                    *Arraignment. [Rescinded]*

*Editor's Note:* Rescinded on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### **Rule \*571**                    *Arraignment.*

Arraignments may be conducted by Trial Commissioners. As authorized by Pa.R. Crim. P. 571, the Arraignment is scheduled as a matter of course approximately twenty-one (21) days after the date the matter is held for court, or a Municipal Court Appeal is filed. The District Attorney shall file the Information at least five days (5) before the scheduled Arraignment date and must have discovery available at the Arraignment. If the Information has not been filed before the scheduled Arraignment date, and the Arraignment is not waived by the defendant, the Arraignment shall be continued until the Information is filed. However, the Arraignment may be waived, even if the Information has not been filed, consistent with Pa.R.Crim.P. 571

*Note:* Pa.R.Crim.P. 571(D) facilitates the Arraignment of a represented defendant by mail or through the execution of a court sanctioned Waiver Form.

*Editor's Note:* Adopted on June 4, 2014, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

### **Rule 576**                    *Pilot Program: Electronic Filing and Service of Motions and Other Legal Papers*

(a)(1) General Scope and Purpose of this Rule. The electronic filing of motions and other legal papers in the criminal courts of Philadelphia County is hereby authorized as specifically provided in this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing. Electronic filing and service shall be governed by this rule.

(2) Legal papers. In the context of this rule, the "legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, but excluding:

- (i) applications for a search warrant;
- (ii) applications for an arrest warrant;
- (iii) criminal complaints;
- (iv) bills of information;
- (v) grand jury materials;

- (vi) legal papers filed ex parte as authorized by law; and
- (vii) legal papers filed or authorized to be filed under seal.

*Comment:* The primary intent of this rule is to facilitate the electronic filing of all legal papers other than as specifically excluded in this subsection. Until such time as necessary protocols are adopted to permit the electronic filing of these excluded legal papers, they shall be filed in paper format so as to limit potential harm to any party and to protect the confidentiality of information as provided by law.

#### (b) *Participation and Fees.*

(1) An attorney must establish an account, apply for a Username, Password and Personal Identification Number ("PIN"), and supply an email address in order to use the *Criminal Electronic Filing System*. An attorney is responsible for the actions of other individuals whom the attorney authorizes to use the attorney's account. Parties who are proceeding without counsel must also establish an account, apply for a Username, Password and Personal Identification Number ("PIN"), supply an email address and be authorized to access their cases through the *Criminal Electronic Filing System*. Service of electronic filings on attorneys who have established an account and on parties without counsel who have been authorized will be made automatically by the *Criminal Electronic Filing System*.

(2) The clerk of court shall not require the payment of a filing fee by any party found by the court to be indigent and is represented by an attorney appointed pursuant to Pa.R.Crim.P. 122 or Pa.R.Crim.P. 904, or who has been granted in forma pauperis status, or is represented by an attorney who is providing free legal service to the party and has filed the praecipe required by Pa.R.C.P. No. 240 (d).

(3) Applicable filing fees shall be paid electronically through procedures established by the clerk of courts, and at the same time and in the same amount as required by statute, court rule or order. The clerk of courts shall accept payment as follows:

(i) electronically, at the time the legal paper is electronically filed through the *Criminal Electronic Filing System*, with the following credit or debit cards: American Express, Discover, MasterCard, and Visa;

(ii) by mail, with certified or cashier check and money order; and

(iii) in person, in cash, certified checks and with the following credit or debit cards: American Express, Discover, MasterCard, and Visa.

#### (c) *Use of the Criminal Electronic Filing System.*

(1) Electronic filings may be submitted through the website of the First Judicial District of Pennsylvania:

<http://www.courts.phila.gov> beginning on April 1, 2013 in accordance with the filing instructions contained in this rule and as may be otherwise provided at that site.

(2) Electronic filings may be submitted at any time (with the exception of periodic maintenance).

(3) *The Criminal Electronic Filing System* will attribute the filing of an electronic legal paper to the party whose Username, Password and PIN is used to log on and file the legal paper. The following additional provisions govern the signature and verification of legal papers:

(i) The signature of the filer on electronic filings shall be in the following form: /s/ Chris L. Smith.

(ii) The sworn affidavit or verification required by Pa.R.Crim.P. 575(A)(2)(g) and (B)(3)(d) shall be converted to a portable document format (hereinafter “pdf”) and shall be attached to the legal paper when it is electronically submitted.

(iii) Any exhibit or other legal paper that requires or contains multiple signatures shall be converted to a pdf and shall be attached to the legal paper when it is electronically submitted.

(iv) The electronic filer shall maintain the original of a sworn or verified document contained in an electronic filing (e.g., affidavit) or contained within an electronic filing (e.g., verification), and shall make it available upon direction of the court or reasonable request of the signatory or opposing party.

(4) All legal papers electronically filed must be filed in a pdf and shall be maintained and retained by the clerk of courts in an electronic format. Neither the clerk of courts nor the court is required to maintain a hard copy of any legal paper filed electronically as provided in this rule.

(5) The electronic filing of a motion constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has read the motion, that to the best of the filing party’s or attorney’s knowledge, information and belief there is good ground to support the motion, and that it is not interposed for delay.

(6) The clerk of courts shall provide, through the *Criminal Electronic Filing System*’s website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(7) Unless the legal paper is rejected by the clerk of courts, and provided that the requisite payment has been received prior to or at the date and time of submission, the filing date and time of a legal paper shall be the date and time of submission. If the legal paper is not rejected by the clerk of courts, and the payment is received after the date

and time of submission, the filing date and time of a legal paper shall be the date and time payment is received.

(8) Upon review of the legal paper, the clerk of courts shall provide, through the *Criminal Electronic Filing System*’s website, an acknowledgement that:

(i) the legal paper has been accepted for filing, including the date and time of acceptance, and that the legal paper was served on the parties as provided in this rule, in a form which can be printed for retention by the filing party; or

(ii) the legal paper has been rejected as authorized by law. The clerk of courts shall immediately notify, by email, the filing party of the reason for the rejection and whether the legal paper may be modified or a new legal paper must be submitted.

(9) A filing party shall be responsible for any delay, disruption, interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the *Criminal Electronic Filing System*’s website.

(d) *Legal Papers Filed in a Paper Format.* Any legal paper submitted for filing to the clerk of courts in a paper (or “hard-copy”) format beginning on April 1, 2013 shall be accepted by the clerk of courts in that format and shall be retained by the clerk of courts as may be required by applicable rules of court and record retention policies. The clerk of courts shall convert such hard-copy legal paper, other than any legal paper filed under seal, to pdf. Once converted to pdf, the pdf version of the legal paper shall be deemed to be, and shall be treated as, the original legal paper and may be used by the parties and the court for all purposes, including court hearings and trials, in the Municipal Court and the Court of Common Pleas.

(e) *Record on Appeal.* Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (d), shall become the record on appeal.

(f) *(Rescinded)*

(g) *Service of Legal Papers.*

(1) Use of the *Criminal Electronic Filing System* shall constitute the filer’s certification that the submission is authorized and that electronic notice and service of other documents through the *Criminal Electronic Filing System* will be accepted by the filer.

(2) The submission of an electronic filing shall satisfy the service requirements of Pa.R.Crim.P. 576 on any attorney or party who has established an account as provided in subsection (b)(1) of this rule.

(3) Service of electronic filings on any attorney or party who has not established an account as provided in subsection (b)(1) of this rule shall be made by the traditional methods required under Pa.R.Crim.P. 576.

(h) *Miscellaneous provisions.*

(1) *(Rescinded)*

(2) *(Rescinded)*

(3) *(Rescinded)*

(4) The clerk of courts shall provide training and assistance to all parties as may be necessary to electronically file legal papers as provided in this rule.

(5) The clerk of courts shall provide sufficient computer terminals at such locations as may be determined from time to time to allow parties and the public to access legal papers as provided by this rule and as authorized by applicable Public Access policies.

(i) As provided in subsection (a), the procedures contained in this rule control in the event a provision herein conflicts with the Pennsylvania Rules of Criminal Procedure. In all other respects, the Pennsylvania Rules of Criminal Procedure apply.

(j) *Duration of Pilot Program.* Unless otherwise provided, the Pilot Program established by this rule shall end on April 1, 2014. The terms of the Pilot Program may be modified from time to time by the issuance of a local rule adopted pursuant to Pa.R.Crim.P. 105.

*Editor's note:* In accordance with the February 6, 2013 order of the Supreme Court of Pennsylvania, pursuant to Article V, Section 10 of the Constitution of Pennsylvania: effective immediately; amended January 5, 2018, effective January 6, 2018.

**Rule 588**                    ***Motion for Return of Property.  
Post-Deprivation Hearing.***

(A) Any person aggrieved by a search and seizure may move for the return of the property seized by filing a motion with the Trial Division, Criminal regardless of whether criminal charges have been filed against the owner of the property or the person in possession of the property.

(B) In the event criminal charges have been filed against the owner of the property or the person in possession of the property, the motion shall be filed utilizing the CPCMS number assigned to the underlying case. If criminal charges have not been filed against the owner or person in possession of the property, a Miscellaneous Docket number shall be assigned through CPCMS.

(C) The filer shall serve the Commonwealth through the District Attorney's Office, and shall file an Affidavit of Service. Provided, however, that the Commonwealth may agree to be served by Office of Judicial Records upon its receipt of the Motion.

(D) The Office of Judicial Records shall schedule a prompt hearing on the motion and shall notify the Commonwealth and the filer.

(E) The assigned judge may require the filing of an Answer.

(F) In the event a forfeiture petition was filed by the Commonwealth before the filing of a motion for the return of property, the motion(s) shall be assigned to the same judge for disposition, as practicable.

*Editor's note:* Adopted on August 11, 2016, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Revised August 31, 2018; effective November 1, 2018.

---

## MOTIONS

---

**Rule 600**                    ***Motions/Filing.***

I. Motion Court filings shall be classified as follows:

A. Pretrial Suppression Applications

Pretrial suppression applications shall be limited to applications for suppression of evidence and suppression of confessions.

B. Pretrial Applications

Pretrial applications shall include all pretrial applications other than pretrial suppression applications and miscellaneous applications, and shall include, but not be limited to, the following:

Application for bill of particulars  
Application for psychiatric examination  
Application to quash indictment  
Application for a change of venue  
Application to disqualify a Judge  
Application for appointment of investigator  
Application for a pretrial conference  
Application for bail  
Application for appointment of counsel  
Application for trial severance  
Application for writ of habeas corpus

C. Miscellaneous Applications and Petitions

Miscellaneous applications and petitions shall include, but not be limited to the following:

Application for summary conviction  
Application for private detective license  
Appeals from decisions of the Pennsylvania Liquor Control Board

Applications for notes of testimony and other documents

Application to expunge police records

Application to vacate bail forfeiture

II. All motion Court filings shall be filed in triplicate in the Office of the Clerk of Quarter Sessions, and, where applicable, shall contain in the caption the following information:

Defendant’s name and address

Term and number of the indictment

Charges

Type of case (non-major, major or homicide)

Place of detention, or if defendant is on bail, name and address of surety

Date and room number of the next scheduled Court action of the case

Nature of the application

On application for suppression, an indication whether the application pertains to physical evidence, statements of identification evidence, or any combination of same.

III. All pretrial applications and pretrial suppression applications must be filed not later than ten (10) days after effective arraignment. An effective arraignment is an arraignment where trial date has been assigned or pretrial conference date fixed. Any application filed later than ten (10) days after an effective arraignment must be approved by the appropriate Calendar Judge.

Miscellaneous applications shall be filed in accordance with the applicable statutory provisions in the Office of the Clerk of Quarter Sessions.

IV. All pretrial suppression applications in non-major criminal cases shall be listed for hearing in the same courtroom and on the same date as the non-major case scheduled for trial. Pretrial suppression applications involving physical evidence and/or statements in major and homicide cases shall be listed in the Criminal Motion Court for hearing not less than ten (10) days nor later than twenty (20) days from the date of filing. Pretrial suppression application for suppression of identification evidence in major and homicide cases shall be listed for hearing in the same courtroom and on the same date as the major or homicide case is scheduled for trial.

Miscellaneous applications shall be listed for hearing at the first available opportunity which does not interfere with the hearing of pretrial applications.

V. Appeals from summary convictions or Traffic Court Appeals: To perfect appeals from summary convictions or traffic Court appeals, the attorney for the appellant or the appellant shall file an affidavit of service with the Office of the Clerk of Quarter Sessions setting forth that the appellant or his attorney has served a copy of the notice of appeal with the Deputy Administrator for the Municipal

Court Judges or with the Traffic Court Judge (issuing authority) who heard the case. Said affidavit shall include the name of the party serving the affidavit, the date of service, the means of service (whether served personally or by certified mail), and the name of the Deputy Administrator for the Municipal Court Judges or the Traffic Court Judge served. The affidavit shall be filed with the Clerk of Quarter Sessions within ten (10) days from the date service was effectuated. In the event the affidavit is filed and twenty (20) days expire from the date of service upon the Deputy Administrator for the Municipal Court Judges or the Traffic Court Judge and the transcript has not been filed by the said Administrator or Judge with the Office of Quarter Sessions upon praecipe, the Clerk of Quarter Sessions shall enter judgment of non pros and return to the appellant the bail posted.

Star Rule \*304, adopted December 14, 1970.

Comment: Motions for new trial shall be filed in the Office of the Clerk of Quarter Sessions in accordance with Pennsylvania Rule of Criminal Procedure 1123. P.C.H.A. petitions shall be filed in the Office of the Clerk of Quarter Sessions in accordance with Pennsylvania Rules of Criminal Procedure 1501 et. seq.

**Rule 605** *Motions Court/Criminal Calendar Program and Homicide Cases.*

All Pretrial Motions applicable to cases in the Criminal Calendar Program or Homicide Program will be scheduled by the applicable Calendar Judge and heard by the Motions Court Judge assigned to that program.

All Motions must be filed in compliance with the time requirements of the Pretrial Order (sample of which is provided below) and in any event must be filed no later than ten (10) days before listed trial date. A copy of the Pretrial Order must be attached to the Motion Petition.

Every such Motion filed for a Criminal Calendar Program or Homicide case must be identified as Criminal Calendar Program or Homicide on the face of the Motion and be accompanied by a “Rule to Show Cause and Order to Set Hearing Date” petition in substantially the form of the sample provided below. The Motion is to be filed with the Motions Clerk and the proper fee paid and payment noted, on the face of the Motion, by the Clerk.

After payment of the fee, counsel must present the petition to the applicable Calendar Judge who will schedule the Motion hearing and enter the date on the Order. The Motion and Order will then be turned over to the Clerk of Quarter Sessions in the applicable Calendar Room.

The Petitions and Orders will be returned to the Motions Room Clerk at the end of each working day for standard processing of the information.

In the event that a Motion hearing has to be continued, it will still be incumbent upon the Motions Judge to hear and dispose of the Motion prior to the listed trial date. If this is not possible, then the continued date must be assigned in conjunction with the Calendar Judge. All continuance informa-



tion, of course, must be processed through the Motions Court Clerk and the Data Processing System.

Motions in other than Criminal Calendar Program and Homicide cases will continue to be filed with and scheduled by the Motions Clerk in Room 685. Motions for suppression in felony listing room cases will be scheduled for hearing at trial and other Motions will be scheduled for the Miscellaneous Motions Court.

**General Court Regulation 72-26, November 18, 1972; amended December 8, 1980, effective immediately.**

*See Forms Index*

**Rule 610**                    *Motions—  
Criminal List Program Cases.*

Motions in Criminal List Program cases must be filed with the Clerk of the Criminal Motions Court at least ten (10) days prior to the scheduled date of trial. Three copies will be required and it will be the responsibility of the Clerk of the Criminal Motions Court to ensure that one copy is transmitted immediately to the District Attorney's Office and that a second is immediately placed in the Court file. The third copy is to be stamped as received and returned to defense counsel as his proof of filing. Counsel shall include with the Motion a brief statement specifically identifying the basis for the Motion.

Motions for cases which are to be transferred to the Criminal Calendar Program must be heard in the Criminal List Program prior to that transfer for jury trial.

**General Court Regulation 73-11, September 17, 1973; amended December 8, 1980, effective immediately.**

**Rule 620**                    *Procedure for Filing and  
Entertaining Rule 1100 (& Rule  
6013) Motions.*

- (A) Rule 1100 petitions for Criminal Calendar Program and Homicide cases are to be filed in the appropriate calendar room and will be listed for hearings by the Calendar Judges. Where the defendant presents an oral motion for dismissal before the Trial Judge, the matter shall be referred immediately to the Calendar Judge for appropriate disposition.
- (B) Rule 1100 petitions for Criminal List Program cases are to be filed in the Criminal Motion Court and will be listed for hearings by the Criminal Motion Court Judge. Where the defendant presents an oral motion for dismissal before the Trial Judge, the matter shall be referred immediately to the Criminal Motion Court Judge for appropriate disposition.
- (C) In Municipal Court cases, Rule 6013 petitions are to be filed no later than noon on Thursdays in Room 685 for hearing the following week. Such petitions shall include the date on which trial is scheduled.

- (D) In Municipal Court cases when the defendant presents an oral motion for dismissal under Rule 6013 at the time of trial, the procedure will be as follows:
  - (1) The case will be continued and will be relisted fourteen (14) calendar days later in the same room for trial.
  - (2) Defendant is to be instructed to file the written petition by 12 noon on the next Thursday in Room 685. Failure to do so can be construed as a defense delay and may constitute a waiver of Rule 6013 rights.
- (E) Hearings on defense petitions for dismissal or for Commonwealth petitions for extensions of time under Rule 1100 or Rule 6013 are to be held only by the appropriate Calendar Judges or by a Judge specifically designated for such purpose.

**Administrative Regulation no. 76-6 Superseding Bulletins Nos. 76-42 and 75-295, April 9, 1976; amended December 8, 1980, effective immediately.**

**Rule 630**                    *Application to Suppress Evidence  
in Municipal Court Cases.*

- (A) The defendant or his attorney may make application to the Municipal Court to suppress any evidence alleged to have been obtained in violation of the defendant's constitutional rights.
- (B) All pretrial applications to suppress may be submitted in writing prior to trial to the Attorney for the Commonwealth, or may be made orally at the time of trial.
- (C) Unless the interests of justice otherwise require, failure to make a timely application prior to or at Municipal Court trial shall be deemed to be a waiver of the issue of the admissibility of such evidence at any subsequent trial.
- (D) Pre-Trial Applications to Suppress shall be heard on the same day set for trial and immediately prior to trial. The Judge hearing the application to suppress will hear the same as a Common Pleas Court Judge.
- (E) If the Application to Suppress is heard pretrial in the Municipal Court or is deemed to be waived under subsection (c), and the defendant is subsequently convicted, the application may not be reinstated as part of the appeal to the Common Pleas Court, unless the trial Judge determines that new or added trial evidence, not available at the hearing prior to Municipal Court trial requires that the pretrial motion be heard again.
- (F) Upon conviction and sentence in the Municipal Court trial, a defendant shall have the right to take an appeal to and secure a trial de novo in Common Pleas Court or file a Writ of Certiorari from the Court of Common Pleas to the Municipal Court for review of the record of his conviction. In no event may a defendant take an appeal for a trial de novo and a Writ of Certiorari.

- (G) Unless specially allowed in accordance with subsection (d) of this Rule, the trial de novo shall not include relitigation of the application to suppress. A defendant may seek a review of the record of the suppression hearing heard on the day set for Municipal Court trial as part of a Writ of Certiorari.
- (H) In the event a defendant is convicted after appeal and trial de novo in the Common Pleas Court, a defendant may raise in an application for a Motion for a New Trial the admissibility of the evidence introduced at trial. If the evidence so challenged was the subject of an application to suppress heard prior to Municipal Court trial, the Court shall review the transcript and decision of the suppression hearing as part of the Common Pleas Court record.
- (I) If the application to suppress heard pretrial in the Municipal Court is granted, the Court shall grant the Commonwealth a continuance upon motion of the Attorney for the Commonwealth to give the Attorney for the Commonwealth the opportunity to take an appeal.
- (J) The Commonwealth's appeal shall be taken not later than 15 days from the date of the decision of the Application to Suppress to the Common Pleas Court. Such appeal shall be limited to a review of the record of the hearing heard on the day set for Municipal Court trial.

General Court Regulation 73-8, July 31, 1973.

**Rule 640**      *Recording of Sentence.*

The white copy of the Information or Bill of Indictment shall serve as the official public record of proceedings in a criminal case and shall include the official record of any sentence imposed in the case. Where a sentence of incarceration is imposed in a case, the Information or Bill of Indictment shall reflect whether pre-sentence incarceration under that Bill is included in the sentence.

General Court Regulation 72-5, February 15, 1972.

**Rule 645**      *Stay Pending Appeal of Municipal Court Judgment.*

In Municipal Court cases, where the defendant has been adjudged guilty and a prison sentence is imposed, the execution of such sentence must be stayed for thirty (30) days in order that the defendant may file a de novo appeal.

*Editor's note:* Former rule 645 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006.

**Rule 650**      *Post-trial.*

- (A) A post-trial Order is to be utilized in all cases where a sentence is not immediately imposed at the conclusion of trial.
- (B) Notes of testimony in all cases in which sentencing has been deferred for post-trial motion(s) shall be transcribed within four (4) weeks of trial.

- (C) Courts en Banc shall be ordered only where absolutely essential.

General Court Regulation 71-17, November 22, 1971.

*See Forms Index*

**Rule 655**      *Hearings on Post-trial Motions and Deferred Sentences.*

Whenever feasible Post-Trial Motions and Sentencing Hearings shall be scheduled for 4 p.m. with notice to the participants to appear at 3:30 p.m. at the appropriate location.

In order to consistently resolve conflicts which arise due to an attorney's dual duty to a Trial Judge and to a Sentencing Judge the following procedure is to be followed:

- (A) It shall be the responsibility of counsel to notify courtroom staff and the Judge of his post-trial commitment(s) that day upon his arrival in the courtroom.
- (B) In non-jury rooms, the Court shall first hear cases wherein the attorney has a verified commitment for a post-trial action at 4 p.m. of that day.
- (C) In jury rooms, every effort shall be made to accommodate the post-trial commitment so long as it is not prejudicial to the current proceeding.
- (D) When a situation arises wherein an attorney must remain past the appointed post-trial hour, the Trial Judge shall direct court room staff to notify the Post-Trial Judge as early as possible of the delay and, when possible, provide an estimate of when counsel will be available.

Supervising Judge's note: Procedure for Consolidated Guilty Plea Request under Pa.R.C.P. 1402—Pursuant to Pa.R.C.P. 1402, counsel is required to submit all requests for consolidated guilty pleas in Common Pleas cases at least 10 business days prior to the date of sentencing.

Requests must be in writing and addressed to Alfred R. Carlone, Director, CP Criminal Listings, Room 206-E, Criminal Justice Center, Philadelphia, PA 19107, with copies to the sentencing judge and the judge to whom the open matter is assigned.—Legrome Davis, Supervising Judge, Criminal Division, April 1998.

*Editor's note:* Bulletin 75-9, January 9, 1975.

**MISCELLANEOUS**

**Rule 660**      *Sentencing—Fines—Indigents.*

The Court shall not sentence a defendant to pay a fine unless it appears of record that:

- (1) the defendant is or will be able to pay the fine; and
- (2) the fine will not prevent the defendant from making restitution or reparation to the victim of the crime.

Star Rule \*1122, adopted September 23, 1971.

**Rule 670**      *Funeral Orders—Prisoners.*

Funeral orders for prisoners shall be submitted to the Sheriff's Office for screening prior to submission to the Administrative Judge of the Trial Division for approval.

General Court Regulations 72-4, February 9, 1972.

**Rule 680** *Prisoners' Bring-ups.*

A prisoner's "bring-up" will contain the defendant's name, Court term and number of Municipal Court transcript number, police photo number, prison number, if known, place of incarceration and the courtroom in which the defendant's presence is required.

General Court Regulation 72-10, March 17, 1972.

**Rule 700** *Confiscation and Disposition of Firearms.*

- (A) Any firearm or other deadly weapon used in the commission of a crime which is offered as an exhibit in any criminal proceeding in which the defendant who was in possession of the weapon is convicted shall be confiscated by the Trial Judge.

The Trial Judge shall order the confiscated weapon to be destroyed by the Clerk of Quarter Sessions or awarded to the Police Department, the Sheriff's Office or the Superintendent of Prisons as per Subsections B, C and D immediately upon expiration of the time allowed for an appeal, if an appeal is not taken.

If an appeal is taken, the confiscated weapon shall be held by the Clerk of Quarter Sessions and shall be destroyed or awarded only if the conviction of the possessor/defendant is sustained on appeal.

This Rule shall not be operative in homicide cases or when lawful ownership of the weapon is proved to be in an innocent person.

- (B) The Clerk of Quarter Sessions shall keep a record of all firearms and other deadly weapons directed to be confiscated and destroyed or awarded by the Court. That record shall include a description of the firearms or other deadly weapons which have been destroyed or awarded and the date of same. That record shall be forwarded at the end of each term of Court to the President Judge. A record of the items awarded to the Police Department, the Sheriff's Office or the Superintendent of Prisons shall be furnished to that unit at the end of each Court term.
- (C) Awards shall only be made upon written request by the Police Department, the Sheriff's Office or the Superintendent of Prisons to the Clerk of Quarter Sessions, who shall insert the request in the appropriate Quarter Sessions file prior to listing for trial. Awards to the Police Department or the Sheriff's Office or the Superintendent of Prisons shall be only for cases involving thirty-eight (38) caliber handguns, Model 12 Winchester rifles, Model 1200 Winchester rifles, shotguns and any rifle possessing a telescopic sight. These firearms shall be disposed of at the discretion of the [Police Department office to which the firearms are awarded]. The firearms shall be awarded as per Subsection A.
- (D) The Police Department, the Sheriff's Office or the Superintendent of Prisons may also request that other fire-

arms be awarded to their custody through written communication with the Clerk of Quarter Sessions. If the request is granted, the firearm(s) will be handled as per Subsections A, B and C.

- (E) The weapons contemplated by this Rule and awarded to the Police Department, the Sheriff's Office or the Superintendent of Prisons shall be for official purposes only.

Star Rule \*1122(a), adopted September 23, 1971, as amended February 15, 1973; further amended March 18, 1977; further amended by the Board of Judges February 21, 1985, General Court Regulation 85-1, effective May 27, 1985.

**Rule 705** *Rule Governing Analysis and Destruction of Narcotic and Dangerous Drugs.*I. *Analysis of Drugs.*

- A. On and after March 1, 1977, in every instance of a seizure of any drug which appears on the Schedules of Controlled Substances of the Uniform Controlled Substance, Drug, Device and Cosmetic Act, the Act of April 14, 1972, P.L. 233, 35 Purdon's §780-101—780-144, the Police Commissioner or his designee shall, within 15 days after receipt thereof, perform or cause to be performed an analysis of such drugs, such analysis to include qualitative identification; weight and quantity where appropriate.
- B. Within five days after the report of such analysis is received, the Commissioner or his designee shall forward a copy thereof to the appropriate District Attorney and inform him of the location where the subject drafts are being held.
- C. The failure to have an analysis made or to forward a copy thereof within the time specified in subdivisions A and B of this section shall not be deemed or construed to bar the making or granting of a motion pursuant to this Rule or the prosecution of a case involving such drugs.

II. *Pretrial Motion to Destroy Dangerous Drugs.*

- A. Subject to the exception in subdivision B, and the limitations in paragraph (2) of subdivision C hereof, the District Attorney shall, within twenty (20) days after receipt of the report of analysis, move in a Court of Common Pleas for an order of destruction of any drug which appears in the Schedules of Controlled Substances of the Uniform Controlled Substance, Drug, Device and Cosmetic Act in felony or misdemeanor cases involving the possession or sale of such drugs.
- B. Exception: If special circumstances exist, making the destruction of any drug not feasible in a particular case, the District Attorney shall move the Court of Common Pleas for permission to retain the drugs pretrial and shall set forth in the petition the nature of the special circumstances and the

proposed place and manner of keeping the drugs pending trial.

- C. A motion for an order of destruction of such drugs shall be in writing, have attached thereto a copy of the report of analysis, and shall be made in the following manner:

(1) Ex parte:

Where no defendants have been arrested in connection with the seizure of such drugs and a showing is made upon affidavit that the likelihood of any future arrest in connection therewith is non-existent; or

(2) Upon notice:

When a defendant has been arraigned upon an information charging him with a felony or misdemeanor involving the possession or sale of such drugs and the drugs sought to be destroyed are material to the prosecution of said information.

- D. When such motion is ex parte, the Court may order the destruction of all or part of the subject drugs.  
E. When such motion is upon notice, further proceedings shall be as provided in Section III hereof.

III. *Proceedings of Motion Upon Notice.*

- A. When such motion is on notice, a hearing thereon shall be held by the Court before which it is returnable not later than thirty (30) days after the return date and the defendant shall be present at such hearing.  
B. A hearing held pursuant to this section shall be conducted and recorded in the same manner as would be required were the witnesses testifying at trial. The District Attorney shall establish by competent evidence the nature and quantity of the drugs which are the subject of the motion. Each party shall have the right to call and cross-examine witnesses and to register objections and to receive rulings of the Court thereon. Participation by the defendant in such hearing is in no way an acknowledgment of ownership or possession of the material which is the subject of the hearing.  
C. If the Court finds upon the conclusion of the hearing that neither the prosecution nor the defendant will be prejudiced thereby it may grant the motion and may make such order as it may deem appropriate for the destruction of part or all of such drugs.  
D. A defendant may waive such hearing and consent to the granting of the motion and entry of an order of destruction either by sworn affidavit or by personal appearance in Court and declaration on the record of such waiver and consent. Such waiver is in no way an acknowledgment of ownership or

possession of the material which is the subject of the motion and order.

IV. *Orders of the Court.*

- A. In any proceeding brought pursuant to this Rule, the Court may grant or deny any motion made hereunder or the relief requested therein in whole or in part and issue any order thereon as it may deem proper and as the interests of justice may require in order to effectuate the provisions of this Rule.  
B. An order of destruction of any drug which appears in the Schedules of Controlled Substances of the Uniform Controlled Substance, Drug, Device and Cosmetic Act issued by the Court pursuant to this Rule shall state the time within which the provisions of such orders are to be complied with. It shall direct the person having custody of the drug to make provision for the destruction thereof in the presence of four witnesses one of whom shall be designated by each of the following: the Commissioner of Police, the Sheriff, the District Attorney and the Clerk of Quarter Sessions.

V. *Affidavit of Destruction.*

An affidavit attesting to the date, time, place and manner of destruction of any drug pursuant to an order therefor and identifying the same by reference to the report of analysis or by other identifying number or system and the order of the Court issued thereon shall be filed with the Court by the person who destroyed the drugs and by each of the witnesses required to be present by Section IV(B) of this Rule.

VI. *Rules of Evidence—Drugs Destroyed Pursuant to Court Order.*

The destruction of drugs pursuant to the provisions of this Rule shall not preclude the admission at trial or in a proceeding in connection therewith of testimony, the chemist's report, photographs of the drugs or other evidence where such testimony or evidence would otherwise have been admissible if such drugs had not been destroyed.

Star Rule \*329, February 17, 1977.

***See Forms Index***

**Rule \*708. *Violation of Probation or Parole. Revocation Hearings.***

- (A) A probation officer may arrest or cause to be arrested, with or without a warrant, any person ("Defendant") who has been placed on probation or parole for: failure to report as required by the terms of that person's



probation or parole, or for any other violation of that person's probation or parole as provided by law, including 42 Pa.C.S. §§ 9913 and 9754.

**Explanatory Comment:** 42 Pa.C.S. § 9913 authorizes a probation officer to arrest or detain any person on probation or parole for any violation of that person's probation or parole, imposed as provided in 42 Pa.C.S. § 9754 or otherwise.

A probation officer must exercise discretion in determining when a detainer ought to be issued, and shall reference the rule(s) and condition(s) of probation or parole allegedly violated by the Defendant.

(B) The procedure which follows shall be utilized whenever any Defendant who has been released on county probation or parole in Philadelphia County is arrested or detained by law enforcement officers to determine whether the Defendant's probation or parole ought to be revoked.

(1) *Gagnon I Hearing.* A hearing will be held before a Trial Commissioner or a judge as soon as practicable and within a reasonable time after the Defendant has been arrested or detained in order to determine whether there is probable cause to believe that the Defendant has committed a violation of his probation or parole. At the hearing, the Defendant shall:

- a. receive notice of the alleged violation of probation or parole;
- b. be provided the opportunity to appear in person or by two-way simultaneous audio-visual communication and to present evidence in his own behalf;
- c. be provided a conditional right to confront adverse witnesses;
- d. be provided counsel; and
- e. be provided a written hearing disposition report.

At the conclusion of the Gagnon I hearing, if the Trial Commissioner or judge determines that probable cause exists to believe that the Defendant has committed a violation of one or more condition of Defendant's probation or parole, the Defendant may be detained pending a Gagnon II hearing.

**Explanatory Comment:** See generally *Morrissey v. Brewer*, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972), and *Gagnon v. Scarpelli*, 411 U.S. 778, 93 S.Ct. 1756, 36 L.Ed.2d 656 (1973) which require that a person arrested and detained due to an alleged violation of a condition of probation or parole be provided a "preliminary revocation hearing" (a "Gagnon I hearing") conducted by an independent decisionmaker and a "final revocation hearing" (a "Gagnon II hearing") to determine whether the person may be detained and the person's probation or parole be revoked.

As noted above, the Gagnon I hearing need not be conducted by a judge, and may be conducted utilizing two-way simultaneous audio visual communications. See Comment to Pa.R.Crim.P. 119. Supervisory Probation staff have been designated in some counties to conduct Gagnon I hearings.

The Gagnon I hearing must be held within a reasonable period after the person is arrested and detained. See *Commonwealth v. Ferguson*, 2000 Pa. Super 312, 761 A.2d 613, 619 (2000). Requiring that a Gagnon I hearing be held within a mandatory or inflexible number of days, without regards to the individualized factors present in each case, may result in delay in the scheduling and holding some or all Gagnon I hearings.

Whether bail has been ordered and posted in connection with the new charge(s) is not dispositive in determining whether a person who is on probation or parole shall be released or will continue to be detained for violating the condition(s) of probation or parole. The sole consideration before the fact finder in the Gagnon I hearing is whether probable cause exists to believe that the person has violated any condition of the person's probation or parole.

When a detainer is issued due to conduct which resulted in an arrest, the person on probation or parole may only be detained if after the Gagnon I

hearing, evidence of some facts in addition to the facts of arrest is necessary to determine that the person on probation or parole violated any applicable conditions. See *Commonwealth v. Davis*, 234 Pa. Super 31, 38, 336 A.2d 616 (1975).

A Gagnon I hearing is not necessary when a probable cause determination is made, after the preliminary hearing where the Defendant is held for trial or upon the conviction of an offense committed while the Defendant had been released on probation or parole, that the Defendant has violated a condition of probation or parole. See *Commonwealth v. Davis*, 234 Pa. Super 31, 336 A.2d 616 (1975) for the specific scenarios held not to require a Gagnon I hearing in Philadelphia County.

(2) *Gagnon II Hearing.* If at the conclusion of the Gagnon I hearing, it was determined that probable cause existed to believe that the Defendant violated one or more condition of Defendant's probation or parole, a hearing must be held to determine whether the facts warrant revocation of the Defendant's probation or parole and whether probation or parole is still an effective vehicle to accomplish the rehabilitation and a sufficient deterrent against future antisocial conduct, as follows:

- a. a written request for revocation shall be filed as required by Pa.R.Crim.P. 708(A);
- b. a hearing will be held before the sentencing judge or a judge generally assigned to hear violations of probation or parole;
- c. a hearing will be scheduled as requested by the sentencing judge or judge generally assigned to hear violations of probation or parole
  - i. within a reasonable period after the filing of the written request for revocation required by Pa.R.Crim.P. 708(A); or
  - ii. within a reasonable period after a verdict is rendered in connection with the new charges which had resulted in Defendant's arrest;
- d. the Defendant shall be provided counsel and the opportunity to be heard in person and to present witnesses and documentary evidence;
- e. the defendant shall be provided the right to confront and cross-examine adverse witnesses; and
- f. the hearing shall proceed as provided in Pa.R.Crim.P. 708.

**Explanatory Comment:** The judge may not revoke probation or parole on arrest alone, but only upon a finding of a violation thereof after a hearing, as provided in Pa.R.Crim.P. 708. However, the judge need not wait for disposition of new criminal charges to hold such hearing. See *Commonwealth v. Kates*, 452 Pa. 102, 305 A.2d 701 (1973).

The purpose of the Gagnon II Hearing is not to determine whether the person who is on probation or parole has committed a new offense, which the Commonwealth must establish by proving all of the requisite elements of the new offense beyond a reasonable doubt, but rather it is to establish the violation of a condition of probation or parole, which must be proved by a preponderance of the evidence, see *Commonwealth v. Allshouse*, 2009 Pa. Super 47, 969 A.2d 1236, 1240 (2009) and cases cited therein, and further to determine "whether the conduct of the probationer indicates that the probation has proven to be an effective vehicle to accomplish rehabilitation and a sufficient deterrent against anti-social behavior." *Commonwealth v. Kates*, supra, 452 Pa. at 115 (1973).

**Editor's note:** Adopted on March 6, 2019, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

## Rule 710 *Guilty Pleas Refused by Trial Judge.*

Where a negotiated plea has been refused by the trial judge after hearing the facts of the case and the defendant is

permitted to withdraw the guilty plea, the Quarter Sessions clerk shall note on the transcript, with specificity, the District Attorney’s recommendation and that the plea bargain was declined by the judge.

This procedure is intended to prevent counsel from taking the same case before another judge who might accept the negotiation that was previously refused by the court.

*Editor’s note:* Amended by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006.

**CONTINUANCES**

**Rule 800** *Continuances in Common Pleas Felony and Municipal Court Cases.*

- I. No criminal trial shall be continued except for the following reasons:
  - (A) Incapacitating illness of defense counsel, specially assigned Assistant District Attorney, the defendant or an essential witness for either the prosecution or the defense.
  - (B) Death in the immediate family of defense counsel, specially assigned Assistant District Attorney, the defendant or an essential witness for either the prosecution or the defense.
  - (C) Recusal of the Trial Judge.
  - (D) Defense counsel engaged in a trial or other proceeding in a Court of record.
  - (E) Counsel unprepared for trial because recently retained, but only at the first listing.
  - (F) Proceedings are stayed by order of an Appellate Court.
  - (G) Discovery incomplete or outstanding pretrial motions, provided the application for a continuance on these grounds is made at least two days prior to the date of trial.
  - (H) Unavailability of defendant’s Court-ordered mental health evaluation where insanity or competency to stand trial is in issue.
  - (I) Unavailability of a ballistics, breathalyzer or drug analysis report prepared by the Police Department, but only at the first listing in Municipal Court.
  - (J) Unavailability of notes of testimony essential to trial preparation, but only when the notes have been requested in writing from the Court Administrator of the Court of Common Pleas or the Deputy Court Administrator Criminal Division at least ten (10) days prior to the trial and the application for a continuance on these grounds is made at least two days prior to the date of trial.
- II. Definitions:
  - (A) Incapacitating illness—A physical or mental impairment so severe that it prevents a person from attending trial.

- (B) Specially assigned Assistant District Attorney—Any Assistant District Attorney who has been specially assigned to prepare and try a particular case, one week or more in advance of trial. This does not apply to the regular assignment of all cases in a list room to an Assistant District Attorney.
- (C) Essential witness—One whose testimony at trial is indispensable in determining guilt or innocence.
- (D) Engaged in a trial or other proceeding in a Court of record that is commenced, but not completed prior to or on the date of the trial for which a continuance is requested.

*Comment:* The purpose of this rule is to eliminate unnecessary trial continuances and facilitate the prompt disposition of criminal cases in both the Court of Common Pleas and the Municipal Court. The grounds for granting a continuance are limited to those herein specified. The rule applies equally to both the defense and prosecution.

This rule has no application in courtroom 146, the Municipal Court Calendar courtroom.

§(I)(A)

Proof of incapacitating illness shall be supplied by the attending physician’s certificate, if any, or such other inquiry as directed by the Trial Judge. Receipt of the physician’s certificate does not preclude the Trial Judge from conducting further inquiry into the nature of the illness.

When an essential witness is “on call” and unavailable in the courtroom, a continuance may not be granted. The practice of subpoenaing witnesses on an “on call” basis is discouraged in the Court of Common Pleas and the Municipal Court. This change to be effective January 6, 1986.

§(I)(B)

“Immediate family” consists of a spouse, children, parents, grandparents and siblings.

§(I)(D)

Whenever conflicting engagements delay counsel’s appearance in the courtroom where his case is listed, Philadelphia Criminal Rule 805, “Criminal Court Priority List and Busy Slips,” applies. Counsel must file busy slips on the form provided by the Court by 9:15 a.m. in all courtrooms where he is unable to appear. Judges shall corroborate all busy slips to determine their accuracy.

When engaged in a trial or other proceeding in a Court of record and moving for a continuance on these grounds, defense counsel should notify the opposing Assistant District Attorney of his motion no later than the day prior to trial.

§(I)(E)

The fact that defense counsel has not been paid or that the defendant has not signed a retainer agreement is not a grounds for continuance, even at the first listing.

§(I)(H)

Judges may order a forthwith psychiatric examination as an alternative to granting a continuance based on the unavailability of a psychiatric report.

For failure to comply with this rule, counsel may be cited for contempt or, if Court-appointed, removed from the non-homicide criminal appointment list. This rule shall become effective on February 1, 1982.

**General Court Regulation 75-9, rescinded and replaced by General Court Regulation 76-3, June 1976; amended by General Court Regulation 82-1, effective February 1, 1982; further amended March 11, 1982, effective immediately.**

**Rule 801** *Continuances at Preliminary Hearings.*

- I. No preliminary hearing in a criminal case shall be continued except for the following reasons:
  - (A) Incapacitating illness of defense counsel, specially assigned ADA or Defender, the defendant or an

essential witness for either the prosecution or the defense.

- (B) Death in the immediate family of defense counsel, specially assigned ADA or Defender, the defendant or an essential witness for either the prosecution or the defense.
- (C) Recusal of the Hearing Judge.
- (D) Defense counsel actually engaged in a trial or other proceeding in a Court of record.
- (E) Counsel unprepared for trial because recently retained or appointed, but only at the first listing, provided the District Attorney is notified at (215) 686-5870 no later than 3 p.m. of the working day prior to the hearing.
- (F) Proceedings are stayed by order of all Appellate Court.
- (G) Essential witness unavailable, but only at the first listing.
- (H) Unavailability of defendant's Court-ordered mental health evaluation where competency to stand trial is an issue.
- (I) Unavailability of a ballistics, breathalyzer or drug analysis report prepared by the Police Department, but only at the first listing.
- (J) Appointment of new counsel, either private counsel or public defender.
- (K) Court-ordered line-up.

## II. Definitions:

- (A) Incapacitating illness—A physical or mental impairment so severe that it prevents a person from attending trial.
- (B) Essential witness—One whose testimony at the preliminary hearing is indispensable in determining or negating probable cause.
- (C) Actually engaged in a trial or other proceeding in a Court of record—Participation of counsel in a trial or other proceeding in a Court of record that is commenced, but not completed prior to or on the date of the hearing for which a continuance is requested.
- (D) Specially Assigned Assistant District Attorney or Defender—Any Assistant District Attorney or defender who has been specially assigned to prepare and present a particular case at a preliminary hearing where such assignment has been made before the first listing of the preliminary hearing or at least one week before any subsequent listing. This does not apply to the regular assignment of all preliminary hearings to one or two assistants assigned to a preliminary hearing courtroom.

**Comment:** The purpose of this rule is to eliminate unnecessary continuances of preliminary hearings. The grounds for granting a continuance are limited to those herein specified. The rule applies equally to both the defense and prosecution.

### §(I)(A)

Proof of incapacitating illness shall be supplied by the attending physician's certificate, if any, or such other inquiry as directed by the Hearing Judge. Receipt of the physician's certificate does not preclude the Trial Judge from conducting further inquiry into the nature of the illness.

### §(I)(B)

"Immediate family" consists of a spouse, children, parents, grandparents and siblings.

### §(I)(D)

Whenever conflicting engagements delay counsel's appearance in the courtroom where his case is listed, Philadelphia Criminal Rule 805, "Criminal Court Priority List and Busy Slips," applies. Judges shall corroborate all busy slips to determine their accuracy.

When engaged in a trial or other proceeding in a Court of record and moving for a continuance on these grounds, defense counsel must notify the District Attorney of his motion no later than 3 p.m. of the working day prior to the preliminary hearing.

### §(I)(E)

The fact that defense counsel has not been paid or that the defendant has not signed a retainer agreement is not a grounds for continuance at the first listing.

### §(I)(K)

Requests for line-up identification must be made at the first listing at which the identifying witness and/or police "49" are available. Otherwise, such requests shall be deemed waived. For failure to comply with this rule, counsel may be cited for contempt and fined, or, if Court-appointed, removed from the non-homicide criminal appointment list.

Nothing in this regulation shall prohibit the Hearing Judge from exercising his discretion in cases not specifically covered herein.

This rule shall become effective on Monday, March 22, 1982.

**Editor's note:** General Court Regulation 82-2, effective March 22, 1982.

## Rule 805

### ***Criminal Court Priority List and Busy Slips.***

- (A) Whenever an attorney has more than one criminal case listed in different courtrooms on the same day, he shall file, or cause to be filed, busy slips in each courtroom wherein his case or cases are listed. Counsel will be expected to report to the highest priority room to which he has been assigned and must file busy slips in connection with any conflicting assignment by 9:15 a.m.

Priority List (listed in the order of their priority)

- (1) Homicide Case Assignment (including Homicide Calendar Room) and Career Criminal Program
- (2) Criminal Calendar Program
- (3) Juvenile Court
- (4) Criminal List Program
- (5) Municipal Court List Rooms
- (6) Criminal Motions List and PCHA Hearings
- (7) Any Other Assignment.

Counsel not actually on trial who desires to attend a Preliminary Hearing must obtain the prior approval of the Calendar Judge or the Judge presiding in the highest priority room to which he is assigned.

**Editor's note:** Administrative Regulation 74-4, December 2, 1974; superseded by Administrative Regulation 79-4, October 22, 1979; amended December 8, 1980, effective immediately.

- (B) Federal and Common Pleas Court Conflicts

- (1) Common Pleas Court

Since the District Court lists criminal and civil cases interchangeably, the Common Pleas Court shall follow the same policy with respect to the engagement of counsel as set forth under civil cases, including Advance Special Listings.

## (2) District Court

The District Court shall recognize as engaged any attorney-of-record in any homicide or major criminal case actually on trial and where same has been scheduled for trial by the appropriate Calendar Judge at the calendar call held no more than three days prior to the actual trial date.

*Editor's note:* General Court Regulation 73-2, March 2, 1973, as amended by General Court Regulation 73-13, supplement July 10, 1974.

**Rule 810**      *Applications for Continuances.*

(A) The moving party shall initially bring the application form to the Office of the Clerk of Quarter Sessions, Room 685, City Hall, where the file will be made available for such information as is required to complete the form.

(B) All petitions for continuance must be presented prior to the day of trial to the Court in the courtroom in which the action is scheduled by the moving party on a three-part form (provided by the Court) entitled "Application for Continuance" (Form 30-156). That form shall include space for the following information:

- Name of the defendant
- Term and Number of the case
- Reason for the continuance request
- Identification of the moving party
- Number of prior listings
- Date application made
- Signature of the moving party

(C) The Court or other reviewing authority will review the continuance request and upon approval, will add to the form:

- Signature of approval
- Date of approval
- Date, time and location of new trial or hearing

(D) The three (3) copies of the approved application are to be distributed to:

- (1) Court (through Clerk of Quarter Sessions)
- (2) District Attorney
- (3) Defense Counsel

(E) The Clerk of Quarter Sessions will ensure that the information on the continuance form is immediately and accurately recorded on the Bill of Indictment or Information (or Municipal Court transcript) and that the Court's copy of the application is filed permanently with the case papers on the left inside cover of the case file. The clerk also will ensure that all applicable subpoenas will be issued and the Court copy permanently filed with the case file.

(F) The distribution of the approved application form shall be to: (1) the Court (through the Clerk of Quarter Ses-

sions); (2) the District Attorney and (3) the Defense Counsel.

The required forms will be available from all Court Clerks in Criminal courtrooms and in the Criminal Listings Office (Room 206, Criminal Justice Center).

*See Forms Index*

*Editor's note:* General Court Regulation 73-4, June 29, 1973, as amended August 8, 1973.

*Comment:* Prior to making an application for a continuance in any case, the moving party must complete an "Application for Continuance" form (Form 30-156). The moving party shall make an application for a continuance to the Court sitting in the courtroom in which the next Court action is scheduled in General Felony and Municipal Court cases. In Major Trials or Homicide cases, application shall be made to the applicable Calendar Judge.

Form 30-156 may be obtained from any Clerk in a criminal courtroom or from the personnel in the Criminal Listings Office, Room 206, Criminal Justice Center. If the moving party requires information in order to complete the form, he should bring the form to the File Security Office, Room 206, Criminal Justice Center, where the case file will be made available for such purposes. The moving party must notify File Security personnel as to the time when and the location where the application will be made so that the case file may be delivered to the Clerk in said courtroom.

If a completed "Application for Continuance" form is not presented to the Court at the time application is made, the application will not be approved. Upon approving an application, the Court will so note on the form and will set a new date for the hearing. At this time, the Court shall ascertain whether any parties who will be subpoenaed as a result of the continuance of the case are present in the courtroom. If the Court so finds, subpoenas should be issued immediately.

The Clerk of Quarter Sessions will distribute copies of the approved application form to the Court (by placing it in the case file), to the District Attorney and to the Defense Attorney.

**Rule 820**      *Continuances Involving Defendants in Custody.*

In all cases which must be continued, wherein the defendant is in custody but has not been brought into the courtroom, a defendant subpoena for the continued date, together with a brief explanation of the reason for the continuance, shall be prepared by the Clerk of Quarter Sessions. This subpoena and explanation shall be handed to the Sheriff for delivery to the defendant in the cellroom, or at the detention facility if he has already left Criminal Justice Center.

**General Court Regulation 72-25, November 8, 1972.**

**SENTENCING**

**Rule 900**      *State and Federal Prisoners in Philadelphia County Prison System.*

(A) No State or Federal prisoners shall be transferred to the Philadelphia County prison system for purposes other than trial or hearing without the approval of the President Judge of the Common Pleas Court.



- (B) With the exception of prisoners brought from Graterford to be returned there the same day, all writs for the transfer of State or Federal prisoners to the Philadelphia County prison system will set forth the specific reason for the transfer and will be directed to the Administrative Judge of the Trial Division, or, in his absence, the Judge designated by the President Judge of the Common Pleas Court, for execution. No writs shall be signed by a Clerk of Quarter Sessions with either a Judge's name or a Clerk's name. Upon execution by the Administrative Judge or his substitute, a copy of the writ shall be delivered by the Clerk to the Assistant Pretrial Coordinator.

The Assistant Pretrial Coordinator shall maintain an up-to-date roster of all State or Federal prisoners in the Philadelphia County prison system and shall immediately transfer such prisoners when the scheduled hearing or trial has been concluded or the scheduled hearing or trial has been rescheduled for a period in excess of thirty (30) days.

**General Court Regulation 71-8, July 28, 1971.**

**Rule 910** *(Rescinded)*

*Editor's Note:* Rescinded October 9, 2018, effective immediately.

---

## APPEALS

---

**Rule 920** *Appeals Procedure.*

Where the appeal process has terminated in a case where a convicted defendant, not in custody pending appeal, has been sentenced in the case to a term of incarceration which he has not yet served, and all or part of this unserved incarceration period has been left undisturbed after appeal, the following procedure shall apply:

The Appeals Division of Common Pleas Court shall notify immediately the defense attorney and the surety of the fact that the Appellate Court has sustained the conviction and order defendant to surrender himself to the Clerk of Quarter Sessions within seven (7) days of notification.

In the event that the defendant does not surrender within seven (7) days, the Court shall issue a bench warrant for the defendant's arrest.

**General Court Regulation 72-11, March 16, 1972.**

---

## POST-CONVICTION PROCEEDINGS

---

**Rule 950** *Post Conviction Hearing Act Procedure.*

- (A) The interests of justice require the regular assignment of all Post Conviction Hearing Act (PCHA) petitions in Philadelphia County to a single Judge. This assignment

policy will provide greater administrative and judicial efficiency in the handling of the petitions, thereby insuring more prompt resolution of issues raised by these petitions.

- (B) Upon the filing of a PCHA petition, the clerk shall immediately forward the petition to the PCHA Judge, who shall within thirty (30) days enter an order either dismissing the petition or directing that counsel be appointed for petitioner and the matter be listed for conference.
- (C) Within thirty (30) days after the initial conference, counsel for the petitioner shall complete and file a PCHA Certificate of Readiness, in the form as set forth herein.
- (D) The District Attorney shall, within thirty (30) days of receipt of an amended petition, file an answer thereto and execute a Certificate of Readiness in the form as set forth herein.
- (E) The PCHA Judge shall schedule a hearing, conduct further conferences or require further certificates of readiness as required by the circumstances of the case.

*See Forms Index*

*Note:* Adopted September 29, 1977, effective October 17, 1977.



# Philadelphia County Indicting Grand Jury Procedures & Protocols







PHILADELPHIA COUNTY INDICTING GRAND JURY  
PROCEDURES & PROTOCOLS

1. When the District Attorney, at the time of a defendant's preliminary arraignment in Municipal Court, requests that a case be sent to the Indicting Grand Jury (IGJ) rather than being scheduled for a preliminary hearing in Municipal Court, the case will be listed in 30 days in Common Pleas Courtroom 608 before Judge Charles Ehrlich for status.

2. After preliminary arraignment, the District Attorney's Office will file an ex-parte motion pursuant Pennsylvania Rule of Criminal Procedure (Pa.R.Crim.P.) 556.2 with one of the IGJ Supervising Judges – Chief Supervising Judge Jeffrey Minehart, Judge Glenn Bronson or Judge Charles Ehrlich, requesting approval to have the case heard by the IGJ. The motion must allege that witness intimidation has occurred, is occurring, or is likely to occur in the case. The motion is reviewed by an IGJ Supervising Judge for approval. If the motion is granted, the IGJ must act on the case within 21 days of when the order granting the motion is signed by a Supervising IGJ Judge. If the District Attorney's Office requests that a preliminary hearing be held after a motion authorizing the case to be presented to the IGJ is signed by a supervising judge, then the case will remain in CP Court and be listed for a preliminary hearing in front of Judge Ehrlich in Courtroom 608. If no motion has been signed and the District Attorney's Office requests that a preliminary hearing be held instead of the case going to the IGJ, then the case will be sent back to Municipal Court for a preliminary hearing in the appropriate MC courtroom.

3. If the DA's Office requests that a case be sent from a preliminary hearing room to Common Pleas Courtroom 608 before Judge Charles Ehrlich for status, the procedures delineated in # 2 above will also apply.

4. All bail motions filed prior to the first status date in Courtroom 608 will be heard by Judge Ehrlich on the first status listing unless Judge Ehrlich agrees to list the bail motion earlier.

a. All bail motions filed on IGJ cases must be served on ADA Kirsten Heine or paralegal Alyssa Ecker by fax or e-mail at least one business day prior. An ADA will not be present to argue bail motions unless prior notice is given.

fax                    215-683-7608/09/10.  
e-mail   kirsten.heine@phila.gov  
                                 alyssa.ecker@phila.gov

b. Bail motions will be heard on Mondays at 1:30 pm during the IGJ case status listings unless the defense attorney speaks with the specially assigned ADA and agrees to list the motion on a different day consistent with their calendar and with Judge Ehrlich's calendar.

5. If the DA's Office re-files a case that it intends to present to the Indicting Grand Jury, the DA's Office will request that the case be listed directly into Common Pleas Courtroom 608 before Judge Charles Ehrlich for status and the procedures delineated in #2 above will also apply.
6. If a case is presented to the Indicting Grand Jury and the defendant is not indicted, the District Attorney's Office will immediately notify a Supervising Judge and the case will be dismissed. If the defendant is in custody on the matter, an order directing their release on that matter will be sent to the Philadelphia County Prison Record Room or the PA. Department of Corrections Record Room. If the defense attorney has made their e-mail address available to the District Attorney's Office, a copy of the order will be e-mailed to them. Otherwise, they will be notified by telephone, fax or first class mail.
7. At the 608 status listing, if the grand jury has voted to indict the defendant, Judge Ehrlich will direct the clerk to hold the defendant for court on those charges listed in the indictment.
8. The case will then be sent to Courtroom 1104 for Formal Arraignment in Common Pleas Court. During Formal Arraignment, the defense will be provided Bills of Information, a disclosure order (see Appendix A), and a copy of the Indictment (if not filed under seal).
9. Following Formal Arraignment in Common Pleas Court, the cases will be sent directly for a Scheduling Conference to the designated IGJ trial judge for the Zone where the alleged crime occurred. Family violence & sexual assault IGJ cases will be assigned to the designated IGJ trial judges off of a wheel on a random basis and not based on where the alleged crime happened. All homicide IGJ cases will be listed in front of Judge Lerner in the Homicide Calendar Room. Judge Lerner will handle all motions to quash, bail motions and discovery motions for IGJ homicide cases while these cases are in the Homicide Calendar Room – Courtroom 1105. Judge Lerner will assign all IGJ homicide cases for trial to Judge Bronson or Judge Minehart in the Homicide Program. Once an IGJ homicide case is assigned for trial and leaves the Homicide Calendar Room, then all bail motions, motions to quash and any discovery motions for the IGJ homicide case will be listed in front of either Judge Bronson or Judge Minehart depending on where the case has been sent for trial. All major trials program discovery motions, that do not involve IGJ discovery, filed after the IGJ case is listed in Courtroom 608, will be listed with the case in the designated major trials courtroom that will handle IGJ cases. The following Judges are designated to hear IGJ cases in their Zone or Program;

Central	Judges Schulman & Woelpper
East	Judge Ehrlich & Kennedy
Northeast	Judges Trent & Patrick
Northwest	Judges Anhalt & Anders
Southwest	Judges Wogan & Cunningham
South	Judge Cohen & Mazzola
Homicide	udge Glenn Bronson & Judge Jeff Minehart

10. After the case has been held for court in Courtroom 608, any bail motions for defendants indicted by the IGJ and discovery motions, pursuant to Pa.R.Crim.P. 556.10(B)(5), relating to the disclosure of grand jury material will be listed before an Indicting Grand Jury Supervising Judge by zone as outlined below. Likewise, bail motions and IGJ discovery motions for IGJ family violence & sexual assault cases will also be listed as stated below before Judges Minehart, Bronson and Ehrlich based on which zone the case is assigned for trial at the time of Formal Arraignment.

Chief IGJ Supervising Judge Minehart:	South & Southwest Zone Cases
Supervising IGJ Judge Bronson:	Northeast & Northwest Zone Case
Supervising IGJ Judge Ehrlich:	Central & East Zone Cases
Supervising IGJ Judge Lerner:	Direct File Juvenile Cases
Chief Supervising Judge Minehart & Supervising Judge Bronson	Homicide Cases

11. At the Scheduling Conference, all IGJ defendants will be brought to court so that the defendants can be informed of how their case has been handled by the IGJ and how their case will now proceed to trial. IGJ cases will be listed for trial within 6 months if possible unless a longer date is agreed upon by counsel. At the Scheduling Conference, the District Attorney's Office will provide to defense a notice of rights (see Appendix B) and an information sheet for defendants explaining the IGJ process for their case (see Appendix C). The District Attorney's Office will, pursuant to Pa.R.Crim.P. 573, provide pre-trial discovery to defense. However, pursuant to Pa.R.Crim.P. 556.10(B)(5), the District Attorney's Office will withhold all testimony and evidence that would disclose the identity of any witness or victim who has been intimidated, is being intimidated or who is likely to be intimidated.

12. All IGJ cases listed for trial will also receive a status date, 60 days prior to trial, for a pre-trial readiness conference. All IGJ defendants will be brought to court for their 60 day pre-trial readiness conference. The IGJ defendants will be updated on the status of their case and upcoming trial date. At this conference, the Court will determine if the defense and the District Attorney's Office expect to be ready for trial. If both sides are ready for trial, IGJ material will be turned over to defense counsel. A motion to quash may be filed within 10 days of when the transcript from the IGJ is turned over to defense counsel. If the case is not expected to be ready, the case will get a new trial date and a new 60 day status date. The District Attorney's Office will not turn over grand jury material pursuant to a standard disclosure order until the trial court has made a determination that the case is expected to go forward as scheduled. The 60 day date for disclosure of IGJ material may be modified by order of an IGJ Supervising Judge.

a. Disclosure limitations: pursuant to the standard disclosure order, defense counsel may not give copies of the grand jury material to the defendant to retain or copy in any way and may not disclose the grand jury material to any other parties without an additional disclosure order from a Supervising Judge. In connection with the standard disclosure order, grand jury material may be given to an investigator or mitigation specialist working for the defendant on the case where the defendant was indicted by the IGJ and is now awaiting trial.

b. Upon a finding of readiness and disclosure of grand jury material, the trial Court will schedule a hearing for any filed Motion to Quash if requested by defense counsel. Motions to Quash will be heard by the Trial Court.

13. Defense motions to continue the trial based on disclosure of grand jury materials, may not be granted without the approval of one of the designated supervising judges for the Indicting Grand Jury.



**APPENDIX A**

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**TRIAL DIVISION – CRIMINAL SECTION**

COMMONWEALTH OF PENNSYLVANIA : MC- 51-CR-

v. :

:

---

**ORDER**  
**DISCLOSURE OF INDICTING GRAND JURY MATERIALS**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_ 2013, pursuant to Pa.R.Crim.P. 556.10(B)(5) and Pa.R.Crim.P. 573(f):

It is hereby **ORDERED** and **DECREED** that the Philadelphia District Attorney’s Office shall disclose any Indicting Grand Jury materials that were withheld from discovery pursuant to Pa.R. Crim.P. 556.10(B)(5) in connection with the above case to defense counsel representing the above named defendant sixty (60) **days** prior to the commencement of trial. Such materials may upon disclosure to the defense be redacted and not include the address, phone number, social security number, work information or closest relative information of any witnesses identified in the materials. Once these materials so redacted are disclosed to the defense, no motion for a continuance based on said disclosure shall be granted unless granted by a Supervising Judge of the Indicting Grand Jury.

It is hereby further **ORDERED** and **DECREED** that upon disclosure, counsel for the defendant shall not provide copies of the material disclosed and protected by this **ORDER** to the defendant. The defendant is not permitted to copy or retain these materials in any way. This **ORDER** does not prohibit counsel from showing these materials to the defendant and discussing these materials at meetings with the defendant or from reading from or discussing these materials in telephone conversations with the defendant.

**IT IS SO ORDERED.**

BY THE COURT:

\_\_\_\_\_  
 SUPERVISING JUDGE

**APPENDIX B**



Commonwealth v. \_\_\_\_\_

CP-51-CR-\_\_\_\_\_

The Philadelphia County Indicting Grand Jury has indicted the defendant on the charge of \_\_\_\_\_ and related offenses pursuant to Pa.R.Crim.P. 556. Bills of Information have been filed under the above captioned CP number. By order of a Supervising Judge of the Indicting Grand Jury, and in accordance with Pa.R.Crim.P. 578 and 579, you have 10 days from the date when all of the Indicting Grand jury material is disclosed to file a Motion to Quash the Bills of Information before the trial judge in your case. All Indicting Grand Jury material will be disclosed 60 days prior to trial unless otherwise ordered by a Supervising Indicting Grand Jury Judge. (Standard Disclosure Order in Appendix A authorizes Indicting Grand Jury discovery to be disclosed 60 days prior to trial.)

Motions for disclosure of Indicting Grand Jury discovery pursuant to Pa.R.Crim.P. 556.10(B)(5) prior to the standard disclosure 60 days before trial as well as bail motions shall be filed before a Supervising Judge of the Indicting Grand Jury (see below for case type and zone designations).

Indicting Grand Jury Supervising Judges Zone Designations and Case Type

- Judge Minehart: South & Southwest Zone cases
- Judge Bronson: Northeast & Northwest Zone cases
- Judge Ehrlich: Central & East Zone cases
- Judge Lerner: Direct File Juvenile & Homicide cases

Defense Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX C**



Defendant: \_\_\_\_\_

CP-51-CR-\_\_\_\_\_ - \_\_\_\_\_

After you were arrested, your case was sent to a Philadelphia County Indicting Grand Jury instead of being listed for a preliminary hearing in Municipal Court. Evidence regarding the incident for which you are charged was presented to the Philadelphia County Indicting Grand Jury and the Grand Jury issued an indictment for the charge of \_\_\_\_\_ and related offenses. Following the indictment, a Supervising Judge of the Indicting Grand Jury ordered that you stand trial in Common Pleas Court. Your case is listed today for a Scheduling Conference before your trial judge in Common Pleas Court. Today your case will be given a trial date.

Your attorney will be provided discovery today according to the Rules of Criminal Procedure. However, Indicting Grand Jury material may not be disclosed to your attorney until 60 days prior to trial at the pre-trial readiness conference before your trial judge unless otherwise ordered by the Court. You will be brought to court for the pre-trial readiness conference which usually will be 60 days before your trial date. Upon disclosure of the Indicting Grand Jury material in your case, your attorney will have the right to file a motion to quash before the trial judge seeking to dismiss the case for insufficient evidence. Your attorney will also review the grand jury material with you prior to trial but you will not be permitted to retain a copy of the grand jury material.

At any time, your attorney may file a bail motion as well as any other requests about the Indicting Grand Jury material on your behalf with a Supervising Judge of the Indicting Grand Jury.

*See Rule \*556.2*

### APPENDIX A—Disclosure Order

**IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY  
TRIAL DIVISION—CRIMINAL SECTION**

COMMONWEALTH OF PENNSYLVANIA                 :  
v.   :  
[DEFENDANT]   : -51-CR-  
   :

**ORDER**

**DISCLOSURE OF INDICTING GRAND JURY MATERIALS**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, pursuant to Pa.R.Crim.P. 556.10(B)(5) and Pa.R.Crim.P. 573(F), it is hereby ORDERED and DECREED that the Philadelphia District Attorney’s Office shall disclose any Indicting Grand Jury materials, that were withheld from discovery pursuant to Pa.R.Crim.P. 556.10(B)(5) in connection with the above-captioned case, to defense counsel representing the above named defendant by sixty (60) days prior to the commencement of trial. Upon disclosure to defense counsel, such materials may be redacted as to not include the address, phone number, social security number, work information or closest relative information of any witnesses identified in the materials. Once these redacted materials are disclosed to the defense, no motion for a continuance based on said disclosure shall be granted unless granted by a Supervising Judge of the Indicting Grand Jury.

It is further ORDERED and DECREED that upon disclosure, counsel for the defendant shall not provide copies of the material disclosed and protected by this ORDER to the defendant. The defendant is not permitted to copy or retain these materials in any way. This ORDER does not prohibit counsel from showing these materials to the defendant, discussing these materials at meetings with the defendant or from reading from or discussing these materials in telephone conversations with the defendant.

IT IS SO ORDERED.

BY THE COURT:

\_\_\_\_\_  
IGJ SUPERVISING JUDGE



### APPENDIX B—Notice of Rights



Commonwealth v. \_\_\_\_\_

CP-51-CR-\_\_\_\_\_

The Philadelphia County Indicting Grand Jury (IGJ) has indicted the defendant on the charge of \_\_\_\_\_ and related offenses, pursuant to Pa.R.Crim.P. 556. Bills of Information have been filed under the above-listed CP number. By order of an Indicting Grand Jury Supervising Judge, and in accordance with Pennsylvania Rules of Criminal Procedure (Pa.R.Crim.P.) 578 and 579, you have ten (10) days from the date when all Indicting Grand Jury material is disclosed to file a Motion to Quash the Bills of Information for your case before the trial judge. All Indicting Grand Jury material will be disclosed sixty (60) days prior to trial unless otherwise ordered by an Indicting Grand Jury Supervising Judge. (*Note:* the standard disclosure order authorizes IGJ discovery material to be disclosed sixty (60) days prior to trial, See Appendix A.)

Bail motions and any motions for disclosure of Indicting Grand Jury discovery (pursuant to Pa.R.Crim.P. 556.10(B)(5)) prior to the standard disclosure date of sixty (60) days before trial shall be filed before an Indicting Grand Jury Supervising Judge. See below for case type and zone designations.

**Indicting Grand Jury Supervising Judges**

- IGJ Supervising Judge [Name]
- IGJ Supervising Judge [Name]
- IGJ Supervising Judge [Name]
- IGJ Supervising Judge [Name]
- IGJ Supervising Judge [Name]
- IGJ Supervising Judge [Name]
- Defense Attorney: \_\_\_\_\_

**Zone Designations and Case Types**

- IGJ Preliminary Hearing Supervising Judge
- South & Southwest Zone Cases
- Northeast & Northwest Zone Cases
- Central & East Zone Cases
- Direct File Juvenile Cases
- Homicide Cases
- Date: \_\_\_\_\_

### APPENDIX C

#### Defendants Out of Custody—Notice of IGJ Procedure and Rights



#### NOTICE OF INDICTMENT FOR DEFENDANTS OUT OF CUSTODY

Defendant: \_\_\_\_\_

CP-51-CR-\_\_\_\_\_ - \_\_\_\_\_

After you were arrested, your case was sent to a Philadelphia County Indicting Grand Jury instead of being listed for a preliminary hearing in Municipal Court. Evidence regarding the incident for which you are charged was presented to the Philadelphia County Indicting Grand Jury and the Grand Jury issued an indictment for the charge of \_\_\_\_\_ and related offenses. Following the indictment, an Indicting Grand Jury Supervising Judge ordered that you stand trial in Common Pleas Court. Your case is listed today for a Scheduling Conference before your assigned trial judge in Common Pleas Court. Today your case will be given a trial date.

Your attorney will be provided discovery today according to the Pennsylvania Rules of Criminal Procedure. However, Indicting Grand Jury material may not be disclosed to your attorney until 60 days prior to trial at the pretrial readiness conference before your assigned trial judge, unless otherwise ordered by the court. You will be subpoenaed to court for the pretrial readiness conference, which is generally scheduled sixty (60) days before your trial date. Upon disclosure of the Indicting Grand Jury material in your case, your attorney will have the right to file a motion to quash seeking to dismiss the case for insufficient evidence. The motion to quash will be heard by the assigned trial judge. Your attorney will also review the grand jury material with you prior to trial but you will not be permitted to retain a copy of the grand jury material.

At any time, your attorney may file a bail motion, as well as any other requests about the Indicting Grand Jury material, on your behalf with an Indicting Grand Jury Supervising Judge.

# APPENDIX D

## Defendants in Custody—Notice of IGJ Procedure and Rights



### NOTICE OF INDICTMENT FOR CUSTODY DEFENDANTS

Date: \_\_\_\_\_

Defendant: \_\_\_\_\_

CP-51-CR-\_\_\_\_\_ - \_\_\_\_\_

After you were arrested, your case was sent to a Philadelphia County Indicting Grand Jury instead of being listed for a preliminary hearing in Municipal Court. Evidence regarding the incident for which you are charged was presented to the Philadelphia County Indicting Grand Jury and the Grand Jury issued an indictment for the charge of \_\_\_\_\_ and related offenses. Following the indictment, an Indicting Grand Jury Supervising Judge ordered that you stand trial in Common Pleas Court. The next listing for your case is on \_\_\_\_\_ in Courtroom \_\_\_\_\_ before Judge \_\_\_\_\_.

Your attorney will be provided discovery today according to the Pennsylvania Rules of Criminal Procedure. However, Indicting Grand Jury material may not be disclosed to your attorney until 60 days prior to trial at the pretrial readiness conference before your assigned trial judge, unless otherwise ordered by the court. You will be subpoenaed to court for the pretrial readiness conference, which is generally scheduled sixty (60) days before your trial date. Upon disclosure of the Indicting Grand Jury material in your case, your attorney will have the right to file a motion to quash seeking to dismiss the case for insufficient evidence. The motion to quash will be heard by the assigned trial judge. Your attorney will also review the grand jury material with you prior to trial but you will not be permitted to retain a copy of the grand jury material.

At any time, your attorney may file a bail motion, as well as any other requests about the Indicting Grand Jury material, on your behalf with an Indicting Grand Jury Supervising Judge.

Your attorney is \_\_\_\_\_ and can be reached at \_\_\_\_\_.

Defendant's Signature \_\_\_\_\_

By Trial Commissioner \_\_\_\_\_





# Protocol for Proceedings Before Chief Criminal Calendar Judge



## PHILADELPHIA COMMON PLEAS COURT

### HOMICIDE PROGRAM

#### I. Preliminary proceedings.

- A. Once a case is held for court at a preliminary hearing it will be listed three (3) calendar weeks from that date for Arraignment before the Chief Criminal Calendar Judge in Courtroom 604.
- B. At the Arraignment the following will occur:
1. The defendant will be formally arraigned or may waive arraignment.
  2. The Commonwealth will provide defense counsel with a packet of informal discovery, and any necessary notices (e.g., Rule 352, mandatory minimum, joint trial).
  3. The Chief Criminal Calendar Judge will resolve any issues regarding representation by counsel. If necessary a pauper's oath will be taken. (If counsel issues arise at any time during the proceedings after arraignment, the Chief Criminal Calendar Judge will resolve the problems at that time.)
  4. A status hearing will be scheduled before the Chief Criminal Calendar Judge thirty (30) calendar days out, or the first available Thursday or Friday within that time frame.

#### II. First Status Listing.

- A. Between the arraignment and the first status listing before the Chief Criminal Calendar Judge, defense counsel should:
1. Review all discovery and, if necessary, prepare a motion or letter listing any additional discovery required.
  2. Determine what motions need to be filed and file them.

Please note: Despite the Rules of Criminal Procedure which permit all motions to be filed in one omnibus motion, practice in the Calendar room should be as follows:

- (a) motions to suppress and motions to dismiss for lack of speedy trial may be combined into one omnibus motion which will be listed to be heard at the time of trial.
- (b) All other motions, including, but not limited to:
  - motions to quash return of transcript;
  - motions to decertify;
  - discovery motions;
  - motions for joinder or severance;
  - motions for withdrawal of counsel;

motions for appointment of a second chair;  
 motions for bail; and

motions to quash aggravating factors will be heard by the Chief Criminal Calendar Judge (Motions may be assigned to other judges at the discretion of the Chief Criminal Calendar Judge).

- (c) All matters will be listed for either hearing or discussion on the next scheduled status date.
  - (i) Motions should be left for signature and scheduling by the Chief Criminal Calendar Judge in Room 604. Motions will not be signed unless a copy for the Judge is attached.
  - (ii) The Chief Criminal Calendar Judge should be copied on all discovery letters between counsel.
- (d) Motions to quash return of transcript, bail motions and decertification motions require the notes of testimony of the preliminary hearing. If these have not been transcribed, an appropriate order for forthwith transcription should be submitted to the Chief Criminal Calendar Judge.

#### III. Subsequent Status Conferences.

- A. Subsequent status conferences will be scheduled every ten (10) working days out or the first Thursday or Friday within that time parameter, from the date of the original status conference.
- B. When all outstanding issues have been resolved and the investigation of the case is complete, the matter will be listed for a ready pool conference.

#### IV. Plea discussions.

- A. Discussions leading to the resolution of a case by non-trial disposition are encouraged to take place at any time during the process.
- B. Where no discussions have taken place prior to the listing of the case for ready pool conference, counsel will be required to use the time between the status listing when the ready pool conference is scheduled and the actual ready pool conference to engage in non-trial disposition discussions. Where such discussions are fruitful, the defendant will be brought down on the ready pool conference date (or, if necessary, some other mutually convenient date) and the matter will be disposed of at that time.

#### V. Ready Pool.

- A. The purpose of the Ready Pool Conference is to review the case and determine its complexity and any impediments to trial, to determine the availability of counsel and/or witnesses and the estimated duration of trial. The case will then be assigned to the ready pool.
- B. Cases in the ready pool will be assigned to an available judge in reverse chronological order by run-date unless the Chief Criminal Calendar Judge determines that some other order of precedence is appropriate.
- C. Upon receiving a case assignment from the ready pool, the trial judge will list the case as soon as possible for a pretrial conference. At the pretrial conference, the trial judge will:
- (1) resolve any impediments to trial which have arisen since the ready pool conference;
  - (2) list the case for trial in accordance with the trial judge's schedule;
    - (a) in listing cases for trial the trial judge will receive a printout indicating any attachments the attorneys in a particular case have of record. The trial judge will list the case on a date that will not cause a conflict with any previous attachments of such other attorney(s).
  - (3) In the event that the trial judge is not able to list the case for trial within a reasonable time, the Chief Criminal Calendar Judge may take the case back for reassignment.
  - (4) The trial judge will advise the Chief Criminal Calendar Judge of all trial dates assigned at pretrial conferences. Where changes are made in a trial date the trial judge has the responsibility to make sure that updated information is transmitted to the Chief Criminal Calendar Judge.
- B. The Chief Criminal Calendar Judge will establish and maintain a master calendar of all pending trials which will be available to anyone upon request.

#### VI. Presence of Defendants.

- A. All defendants in custody will be brought down for arraignments (unless their appearance is waived by their attorney) bail hearings and decertification hearings. Otherwise, a defendant will not be brought down unless a special request is made and approved by the Chief Criminal Calendar Judge.
- B. Defendants in custody may be brought down to City Hall in order to be examined by a psychiatrist or psychologist upon submission of an appropriate motion to the Chief Criminal Calendar Judge.
- C. Bail defendants are required to be present at every listing unless the Chief Criminal Calendar Judge has ordered otherwise.

#### VII. Appearance of Counsel.

- A. All counsel who have matters listed before the Chief Criminal Calendar Judge must appear promptly at 9 a.m. on the date the matter is listed unless an advance request has been made to the Crier in the Calendar Room to either continue the hearing or list it for a later time.
- B. In all cases before the Chief Criminal Calendar Judge the actual trial counsel must appear unless the Chief Criminal Calendar Judge has given permission in advance to send a surrogate.
1. Where trial counsel sends a surrogate, the surrogate must be prepared to report on the status of the case.
- C. All counsel who appear before the Chief Criminal Calendar Judge must have their appointment books with them.

#### VIII. On Call List.

The Chief Criminal Calendar Judge will maintain a list of "on-call" cases selected from the Homicide inventory and the major case inventory. A case will be placed in "on-call" status for a particular week and will be expected to go to trial that week before any judge who is "down." In the event that a case in "on-call" status does not proceed to trial on the week it is listed, then it will be conferenced on the Thursday of that week and given another "on-call" status date. Cases will be placed in "on-call" status based upon their character, the number of witnesses and the availability of counsel. Counsel whose cases are placed in "on-call" status will be required to agree that the case go to trial before any homicide judge who is "down." The assignment of all cases in "on-call" status will be made by the Chief Criminal Calendar Judge.

When a case is placed in "on-call" status, the witnesses should be advised to be on call for the week when the case is listed for trial. The case will be expected to be assembled for trial upon 24 hours notice.

Whenever a trial judge becomes aware that he or she will be "down" for a particular period because of the inability of a case to go to trial on the scheduled date, the trial judge should immediately notify the Chief Criminal Calendar Judge and ask for assignment of an on-call case. "On-call" cases will be assigned out to trial judges on a first come first served basis.

#### IX. Competency Issues.

- A. Where competency issues arise at the pretrial stage, the Chief Criminal Calendar Judge will make all necessary orders for examination and treatment and hold all necessary hearings.
- B. Cases where the defendant is determined to be "incompetent" will not be placed in the ready pool.



## SECTION CALENDAR PROGRAM

### I. Selection of Cases for the Section Calendar Program:

- A. Once a case is held for court it will be listed for arraignment in Courtroom 504 three (3) calendar weeks from that date. Arraignment cases will be assigned a pretrial conference date fifteen (15) working days out or the first available Monday, Tuesday or Wednesday within that time parameter before the Chief Criminal Calendar Judge.
1. Bail defendants will be subpoenaed for the pretrial conference before the Chief Criminal Calendar Judge.  
Bail defendants must appear at all listings.
  2. Custody defendants will not be transported to City Hall since they will be arraigned at the Detention Center Hearing Room and sign a subpoena for the pretrial date.
  3. If the defendant fails to appear at arraignment, a bench warrant will be issued. Upon apprehension the bench warrant will be heard in the normal course and the case will be listed for a pretrial conference fifteen (15) working days out before the Chief Criminal Calendar Judge.

### II. Pretrial Conference Procedure.

Chief Criminal Calendar Judge:

- A. Appearance of counsel.
1. In all cases before the Chief Criminal Calendar Judge the actual trial counsel must appear unless the Chief Criminal Calendar Judge has given permission in advance to send a surrogate.
  2. The surrogate must be authorized to accept or reject the Commonwealth's plea offer.
- B. Pretrial conferences will be scheduled on Monday, Tuesday or Wednesday of each week before the Chief Criminal Calendar Judge.
- C. Informal discovery should be completed at time of arraignment in Courtroom 504. All discovery should be completed and all pretrial plea offers should be communicated by the Commonwealth to the defense prior to the pretrial conference before the Chief Criminal Calendar Judge.
1. It will be the responsibility of the defense to submit a written request to the District Attorney's Office within two (2) weeks of the pretrial conference requesting additional discovery. The District Attorney's Office should respond to any requests for additional discovery in writing.

Failure of any party to comply with the discovery orders will result in sanctions. The party seeking sanctions must advise the court of the noncompliance of the opposing party by the following procedures:

- (a) a notice must be filed with the court in his/her courtroom advising that there has been a noncompliance with the court order. A copy of this notice must be served on opposing counsel.
- (b) all notices of non-compliance will be heard on the week following their filing on a date certain to be set by the court.

Copies of any motions must be served on the specific Public Defender or District Attorney assigned to the Calendar Room, or to the Chief of the Unit for the District Attorney or Public Defender.

- D. Defense counsel will communicate all plea offers to the defendant prior to the pretrial conference. Only custody defendants who wish to take advantage of a non-trial disposition at the pretrial conference will be brought down to City Hall for the pretrial conference. Defense counsel should interview the client in prison prior to the pretrial conference. All requests for county custody bringdowns should be made to the Crier in the Chief Criminal Calendar Judge's courtroom at least one day prior to the pretrial listing. The assigned Crier will also be responsible for coordinating the preparation of a writ for those defendants in state custody. Any non-trial disposition offers for defendants in state custody will remain open before the Chief Criminal Calendar Judge for at least two weeks to allow for a bringdown from the state institution. At the conclusion of the pretrial conference, all co-defendant matters will be assigned to the same section without regard to whether arraignment and/or pretrial conferences occur simultaneously.
- E. The Chief Criminal Calendar Judge will resolve all conflicts of representation, if any.
- F. If a defendant has multiple cases in the system and is represented by multiple court appointed counsel, the Chief Criminal Calendar Judge will insure, if possible, that a single counsel represents the defendant in all court appointments.

Counsel must be prepared to advise the court as to whether their matter will be a non-trial disposition. All pleas can be taken by the Chief Criminal Calendar Judge at the pretrial conference. Defense counsel who will try the case or, in the event that attorney is unavailable, someone who has authority to accept or reject the Commonwealth's plea offer, must appear.

G. No matter should remain in the Chief Criminal Calendar Judge's courtroom in pretrial status for more than two calendar weeks or ten (10) working days unless the Chief Criminal Calendar Judge determines that more time is needed. Under no circumstances will a case be relisted in front of the Chief Criminal Calendar Judge for a plea after it has been listed for an assignment conference before a Section Leader.

H. Cases which cannot be resolved by non-trial disposition before the Chief Criminal Calendar Judge will be classified for trial on one of three tracks:

1. Short: Most drug cases (including one and three year mandatory sentences), welfare fraud cases, selected arson cases and non-mandatory minimum robbery cases. These cases will be assigned to Track "1" and will be targeted for disposition within ninety (90) days of arraignment.
2. Standard: Drug cases with complicated pretrial motions, aggravated assault, economic crime, arson (where no prior relationship exists between the parties), and mandatory minimum robbery cases. These cases will be assigned to Track "2" and will be targeted for disposition within one hundred twenty (120) days of arraignment.
3. Complex: Rape and child abuse matters, cases where a continuing criminal enterprise is charged, and any other matters which involve an extraordinarily large number of witnesses, co-defendants or complex legal issues. This track will be designated Track "3" and will be targeted for disposition within one hundred fifty (150) days of arraignment.

I. Track designation guidelines are illustrative only and not exhaustive.

The Chief Criminal Calendar Judge may vary from these designations if sufficient complexity of pretrial or trial issues exist, or if the case involves an extraordinarily large number of witnesses. All track classifications will be made without regard to whether the matter has been identified as a waiver or a jury demand.

J. Where a question of the defendant's competency is raised at the pretrial conference, the Chief Criminal Calendar Judge will order a forthwith mental health examination and will retain jurisdiction over the case as long as the defendant remains incompetent. No section assignment will be made of the case until the competency issue has been resolved.

K. After cases have been categorized to a particular track by the Chief Criminal Calendar Judge, a random computer assignment will be made designating the Section to which the case is assigned.

Once a case has been designated by Track and Section, an assignment conference will be conducted ten (10) working days out before the Section Leader of the assigned Section.

L. If a defendant fails to appear at the assignment conference, a bench warrant will be issued and the permanent section assignment will be indicated on that bench warrant. When the defendant is apprehended, the bench warrant will be heard in the normal fashion and the case will then be listed for pretrial conference ten (10) working days out before the Section Leader with the previously assigned section identified.

### III. Motion Practice

A. The following motions will be heard by the Chief Criminal Calendar Judge at the pretrial conference:

1. applications for reduction of bail;
2. motions to quash;
3. motions to amend bills of information;
4. motions for severance, consolidation and joinder can be heard at the discretion of the Chief Criminal Calendar Judge;
5. discovery motions.

B. Motions must be submitted to the Chief Criminal Calendar Judge in his/her courtroom prior to the pretrial conference date and must contain on their face a Rule to Show Cause indicating the next pretrial conference date as the rule returnable date. An extra copy of the motion for the judge's file must be submitted with the original. After the rule is signed by the judge the motion must be filed with the Clerk of Quarter Sessions and a copy served upon opposing counsel. All motions will be heard on the next scheduled pretrial conference date unless an earlier hearing date is requested. (At the discretion of the Chief Criminal Calendar Judge motions can be assigned to an available trial Judge for disposition.)

1. When a motion to quash bills of information is filed, a copy of the preliminary hearing transcript should be attached to the motion. If the notes of testimony of the preliminary hearing have not been transcribed, counsel should present the Chief Criminal Calendar Judge with a prepared order for the court reporter compelling production of the notes by a date certain.
2. Motions for consolidation and joinder and motions for expedited trial dates may be filed orally at the bar of the court after notifying opposing counsel. Motions for severance must be submitted in writing.
3. Motions in Limine will be heard at the time of trial by the assigned trial judge unless the case is assigned as a waiver, then these motions will be referred to the Section Leader for disposition. Motions to suppress and Rule 1100 motions will be heard by the trial judge. If the trial judge grants a recusal motion following a motion to suppress in a matter previously designated as a waiver, the case will be heard as a jury in front of the assigned trial judge.

#### IV. Section Leader Assignment Conference Procedure

- A. It will be the responsibility of the Section Leader to follow up on any pretrial orders set by the Chief Criminal Calendar Judge and resolve all conflicts in representation, if any.
- B. The Section Leader will hear any motions for expedited trial dates.
- C. At the assignment conference, counsel must be prepared to advise the court as to whether their matter will be a non-trial disposition. Pleas may be taken by the Section Leader at the assignment conference. Defense counsel who will try the case or, in the event that attorney is unavailable, someone who has authority to enter the plea must appear.
- D. No matter should remain in the Section Leader's courtroom in an assignment status for more than two calendar weeks or ten (10) working days. Under no circumstances will a case be relisted in front of the Section Leader for a plea after it has been assigned for trial.
- E. Cases which cannot be resolved by non-trial disposition before the Section Leader will be randomly assigned to a trial judge within that Section. After the assignment of the trial judge, counsel should be prepared to advise the Section Leader whether the case will be a waiver or jury trial and the number of witnesses and the likely trial duration.
- F. If the defendant fails to appear for the assignment conference before the Section Leader, a "Judge Only" bench warrant will be issued. When the defendant is apprehended the bench warrant will be listed for a hearing before the Section Leader within ten (10) working days.

#### V. Assignment of Cases for Trial

- A. All co-defendants will be assigned to the same trial judge. Defendants with multiple cases in the Section Calendar Program will have all of their cases assigned to the same trial judge.
- B. Each Section will receive the same number of short, standard and complex cases.
- C. Cases will be listed for a trial scheduling conference before the individual section judge, approximately ten (10) working days after the Section Leader assignment conference.
  1. Section leaders calendar cases by one of two methods:
    - a. The Section Leader will assign a trial scheduling conference date in the trial courtroom approximately ten (10) days after the pretrial conference, and a trial date that adheres to track trial standards. At the completion of the trial scheduling conference, the Section

Leader's courtroom will be advised of any pretrial pleas that occurred at the trial scheduling conference, as well as any changes in previously assigned track identification codes.

- b. The Section Leader will assign only a trial scheduling conference date in the trial courtroom. The trial judge will calendar his/her cases in accordance with procedures later described in this memorandum. The trial judge may request that the Section Leader only list the case for trial and thereby eliminate the scheduling conference.
- D. Calendaring codes
1. Once a case has been determined to be a trial matter it will be assigned a track trial identification code. The Chief Criminal Calendar Judge will designate a track (short, standard, or complex) to which it is assigned. Sections will be designated as "A," "B," "C" and "D." Short matters will be designated as "Track 1," standard as "Track 2," and complex as "Track 3." After cases have been designated by Track and Section by the Chief Criminal Calendar Judge, the Section Leader will identify cases as waiver trials ("W") or jury trials ("J"). Finally, the number of hours or days expected for trial will be designated, such as, one day ("1D") or one hour ("1H").
    - a. For example, the identification code A1J2D indicates that the matter is assigned to Section "A" on the short track and is a two day jury trial. The designation B2W4H means the case has been assigned to Section "B" and placed on the standard track and is a four hour waiver trial.
  2. This code will appear on the computer terminal, the trial sheet, and the judge's calendar.
- E. At the conclusion of the assignment conference before the Section Leader and after cases are coded, the Section Leader will calendar the case to the docket of the assigned trial judge.
1. Section leaders will have copies of current schedules for each section member.
  2. In order for the Section Leader to have up-to-date information on the individual calendars of the section members, all trial files will be turned into the Section Leader's courtroom on a daily basis. The coder in the Section Leader's courtroom will code all files for members of the section. If a trial file is not complete, trial sheets must be turned in so that the Section Leader's master calendar can be updated accurately.
- VI. Bench Warrants
- A. If a defendant fails to appear at the pretrial conference before the Chief Criminal Calendar Judge the bench warrant will be marked, "To be heard by the Chief Criminal Calendar Judge only."

- B. If a defendant fails to appear at the assignment conference before the Section Leader, the bench warrant will be marked "To be heard by the Section ' \_\_\_ ' Leader only." If the Section Leadership changes prior to the apprehension of the defendant, the subsequent Section Leader will hear the bench warrant. If the defendant failed to appear before a Section Leader prior to 10/30/95 that bench warrant will be heard as a Judge Only bench warrant before the Chief Criminal Calendar Judge.
- C. If a defendant fails to appear at a scheduling conference or trial before the trial judge, the bench warrant will reflect that the matter will be heard by the trial judge only, or the judge subsequently assigned his/her list.

#### VII. Oversight Responsibility:

Each Section Leader must carefully monitor all cases to ensure maximum adherence to designated track time standards. Under no circumstances will cases which exceed track time standard be removed from the list of the assigned trial judge.

#### VIII. Procedures Before The Assigned Trial Judge:

- A. At the trial scheduling conference, the assigned trial judge will insure that all discovery is complete and all other Chief Criminal Calendar Judge and Section Leader pretrial orders have been satisfied. The trial judge will again inquire about the possibility of a non-trial disposition and will accept the plea at the initial or a subsequent scheduling conference. All matters not resolved at the trial scheduling conference will be continued to the date given for trial by the Section Leader or a new date determined by the individual trial judge. Defendants will not be transported to City Hall for trial scheduling conferences unless counsel advises the court the case will be disposed at the scheduling conference.
- B. All continuance motions will be heard by the trial judge at least forty-eight (48) hours prior to the trial date. Opposing counsel must be notified, and counsel should appear in the trial courtroom together. If a continuance motion is not filed with the trial court at least forty-eight (48) hours prior to the trial date, the court will conclude that the matter is ready. If the assigned trial judge is unavailable forty-eight (48) hours prior to the assigned trial date, the continuance motion will be heard by the Section Leader or his/her designee.
- C. The tipster in the trial courtroom will contact trial counsel in matters listed for the following day and will insure that sufficient cases are ready for trial. This process will be completed by 11 a.m. If sufficient matters are not ready, the assigned trial judge will advise the Section Leader, no later than 11:30 a.m., and an attempt will be made to assign a matter from the on-call list, coordinated through Chief Criminal Calendar Room.
- D. In the event that all defendants on a given trial list are on bail and all fail to appear, cases listed for trial on a particular day may be reassigned intra-section through the Section Leader.

#### IX. Competency Issues

- A. Where competency issues arise at the pretrial stage, the Chief Criminal Calendar Judge will make all necessary

orders for examination and treatment and hold all necessary hearings.

- B. Cases where the defendant is determined to be "incompetent" will not be sent to a Section Leader.

#### X. Assignment of Cases For Attorneys In Violation of Local Rule 430

Local Rule 430 allows that counsel representing defendants in 20 or more criminal cases, which are six (6) months old or older, shall be precluded from entering an appearance in any other criminal case in this county until such time as their inventory is reduced to less than 20 cases.

A continuous review consistent with Local Rule 430 is planned. Counsel will be notified by the Director of Criminal Listings when they are in violation of the rule, and given thirty (30) days to reduce their inventories in compliance with the rule. Thereafter, their matters will be assigned to one section, randomly, until such time that they are in compliance or are prevented from entering their appearance.

#### XI. On Call List

The Chief Criminal Calendar Judge will maintain a list of "on-call" cases selected from the Homicide inventory and the major case inventory. A case will be placed in "on-call" status for a particular week and will be expected to go to trial that week before any judge who is "down." In the event that a case in "on-call" status does not proceed to trial on the week it is listed, then it will be conferenced on the Thursday of that week and given another "on-call" date. Cases will be placed in "on-call" status based upon their character, the number of witnesses and the availability of counsel. Counsel whose cases are placed in "on-call" status will be required to agree that the case go to trial before any judge who is "down." The assignment of all cases in "on-call" status will be made by the Chief Criminal Calendar Judge.

Separate on-call list will be kept for homicide and majors cases. Cases from the homicide on-call list will be assigned only to judges assigned to the Homicide Division. Cases from the major on call list will be assigned to judges in the Majors Program and in the Homicide Division. Majors on-call cases will be private counsel cases that are classified as Track 1. Homicide on call cases will be non-capital juries. No case will be placed in the on-call list which involves defendants or witnesses in state custody, out of state witnesses, expert witnesses, or other similar complications.

When a case is placed in "on-call" status, the witnesses should be advised to be on call for the week when the case is listed for trial. The case will be expected to be assembled for trial upon 24 hours notice.

Whenever a trial judge becomes aware that he or she will be "down" for a particular period because of the inability of a case to go to trial on the scheduled date, the trial judge should immediately notify the Chief Criminal Calendar Judge and ask for assignment of an on-call case. "On-call" cases will be assigned out to trial judges on a first come first served basis.

*Editor's note:* Received November 7, 1995, published in *The Legal Intelligencer* December 4, 1995.



---

## New Procedures Relating to Implementation of an On-Call List in the Criminal Calendar Courtroom

---

It has become necessary to increase the number of cases that are in “on-call” status before the Chief Criminal Calendar Judge in Courtroom 604. To accomplish this, new procedures have been implemented effective June 23, 1997. All members of the Bar are instructed to familiarize themselves with the procedures which are detailed below.

1. Beginning on June 23, 1997, five cases per day will be listed before the Chief Criminal Calendar Judge in Courtroom 604 Criminal Justice Center for assignment out of that room to any judge assigned to the Homicide or Section Calendaring Program who is available.
2. All cases assigned to the “on-call” list will be expected to proceed to trial on the date assigned. Should the case not be able to proceed to trial on that date due to the unavailability of a judge, the Chief Criminal Calendar Judge will assign a new trial date. In the event a continuance is necessary all requests must be presented to the Chief Criminal Calendar Judge no later than 48 hours prior to trial.

All counsel who have cases listed on the on-call list in Courtroom 604 will be expected to be present at 9 a.m. sharp with all their witnesses present. (An exception will be made for expert witnesses who may be placed on one hour call). All Commonwealth witnesses will be expected to be housed in the Victim Witness Room in the Criminal Justice Center. All defense witnesses will come to Courtroom 604.

3. Cases assigned to the “on-call” list in Courtroom 604 will consist of a combination of private counsel track two and/or three section calendar cases or private counsel list room jury demand cases.
4. Beginning on June 9, 1997, cases listed for trial on or after June 23, 1997 will be laterally reassigned (that is they will keep their originally assigned trial date but be reassigned to Courtroom 604) from the existing inventories of Section Calendaring judges.
5. All private counsel jury demands will be assigned to the “on-call” list in Courtroom 604 on the date the jury demand is made in the list room. Where possible, the case will be immediately reassigned for jury trial on that date. Where possible, the case will be immediately reassigned for jury trial on that date. Where this is not possible, the Chief Criminal Calendar Judge will continue the case to the “on-call” list for another date, but in no case will that date be more than two weeks from the date that the jury trial was originally demanded.
6. Once a case has been assigned to the “on-call” list the Chief Criminal Calendar Judge in Courtroom 604 will retain jurisdiction over the case until it has been otherwise assigned. All issues relating to these cases must be raised before the Chief Criminal Calendar Judge.

Carolyn Engel Temin (J.)  
Chief Criminal Calendar Judge  
Criminal Division  
June 1997

---

## Notice to the Bar—Criminal Division Changes

---

### MIXED CALENDAR PROGRAM

Commencing January 5, 1998, the Mixed Calendar concept will be introduced, in phases, into the program structure of the Criminal Trial Division.

The mixed Calendar Program will be integrated into the existing Homicide and Section Calendar Program, whereby a specific group of Judges identified as Section “F” will preside over an inventory consisting of both homicide and major felony cases and will follow the established protocols for the Homicide and Section Calendar Program. Homicide and major felony cases will be assigned on a percentage basis directly from the Common Pleas arraignment to the Section Leader of the Mixed Calendar Section for a Pre-Trial conference.

Once discovery, Pre-Trial motions and any impediments to trial are resolved by the designated Section Leader, the homicide and/or major felony case will be randomly assigned, via computer, to a Trial Judge within the Mixed Calendar Section (or Section “F”) for a status listing or scheduling conference. Cases assigned to a Trial Judge will remain in that Judge’s inventory until disposition.

John. W. Herron  
Administrative Judge,  
Trial Division

Legrome D. Davis  
Supervising Judge,  
Criminal Trial Division

January 1998

---

## List Room Jury Demand—Ready Pool

---

Commencing Monday, July 13, 1998, when counsel demands a jury trial in the List Program, the case will immediately be reassigned before the Chief Criminal Calendar Judge in Courtroom 604.

Cases so assigned can be disposed of by negotiated plea before the Chief Criminal Calendar Judge, or by assignment to a trial judge who is available. Once assigned to a new trial judge, a case can be disposed of either by open or negotiated plea, or trial by jury or waiver. All cases transferred to a new trial judge must be disposed of or commence trial within 72 hours of the transfer to the Calendar Room or the case will be reassigned to the Jury Demand Program 15 to 20 days out for trial. Also, if no judge is available for reassignment within the 72-hour period, the case will be reassigned to the Jury Demand Program 15 to 20 days out for trial. Cases shall not be returned to the List Program.

If, at a Common Pleas arraignment or Track Program Trial Ready Conference, a jury demand is requested the case will be listed 49 days out, utilizing the 72-hour protocol previously described.

# Criminal Division Forms



*See Rule \*122-12*

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CRIMINAL TRIAL DIVISION

Commonwealth of Pennsylvania	:	_____ Term, 20 _____
	:	
	:	Number(s) _____
v.	:	
	:	Attorney I.D. _____
	:	
_____	:	Charges _____

PETITION FOR ALLOWANCE OF  
COMPENSATION AND EXPENSES

To the Honorable, the Judges of the Said Court:

The Petitioner \_\_\_\_\_, Esquire, the court-appointed counsel for \_\_\_\_\_ respectfully requests the Honorable Court to enter an Order awarding a counsel fee (and the reimbursement of expenses incurred) and in support thereof, states the following:

1) That the defendant, \_\_\_\_\_, was arrested on \_\_\_\_\_, 20\_\_\_\_, and charged with \_\_\_\_\_.

2) That on \_\_\_\_\_, 20\_\_\_\_, your petitioner was appointed to represent the defendant by the Honorable \_\_\_\_\_. A copy of the appointment is attached and marked Exhibit "A."

3) That your petitioner actively and diligently represented the defendant and spent considerable time in the preparation of his case. A detailed chronological statement of the services rendered and expenses incurred by the petitioner is attached hereto made a part hereof, and marked petitioner's Exhibit "B."

5) That your petitioner has not received, nor contracted to receive, directly or indirectly, any compensation for such services from any source other than provided in the Act of Assembly.

6) That your petitioner has personally performed all of the services set forth in this petition.

7) That your petitioner has spent \_\_\_\_\_ hours in a court at a compensation rate of \_\_\_\_\_ dollars per hour and \_\_\_\_\_ hours out of court at a compensation rate of \_\_\_\_\_ dollars per hour for a total amount of \_\_\_\_\_.

8) (That your petitioner has expended the sum \_\_\_\_\_ dollars for expenses as itemized below.)

WHEREFORE, your petitioner respectfully prays that the Honorable Court enter an order directing payment of \_\_\_\_\_ dollars as fair and reasonable compensation for services in this case based upon the hours worked in this matter as set forth herein (and that the Honorable Court reimburse him the expenses in the amount of \_\_\_\_\_ dollars which they have incurred during this representation).

\_\_\_\_\_  
, Esquire

Commonwealth v. \_\_\_\_\_

\_\_\_\_\_  
, Esquire



CHRONOLOGY OF REPRESENTATION

Time \_\_\_\_\_

Out of \_\_\_\_\_

Date	Explanation of Attorney's Activities	Court	In Court
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Total Hours \_\_\_\_\_

Exhibit "B"

Affidavit

Commonwealth of Pennsylvania :  
 : ss  
 County of Philadelphia :

\_\_\_\_\_, Esquire, being duly sworn according to law, deposes and says that he is the court-appointed counsel for the defendant, \_\_\_\_\_, and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

\_\_\_\_\_, Esquire

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Judge's Name

IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY  
CRIMINAL TRIAL DIVISION

Commonwealth of Pennsylvania : \_\_\_\_\_ Term, 20\_\_\_\_  
 :  
 : Number(s) \_\_\_\_\_  
 v. :  
 : Attorney I.D. \_\_\_\_\_  
 :  
 \_\_\_\_\_ : Charges \_\_\_\_\_

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the annexed Petition and Affidavit of Counsel, it is hereby ORDERED AND DECREED that \_\_\_\_\_, Esquire, is hereby allowed compensation in the sum of \_\_\_\_\_ for representing \_\_\_\_\_, who was charged with \_\_\_\_\_; (and expenses in the sum of \_\_\_\_\_); said allowance shall be charged upon the City and County of Philadelphia, to be paid by the City Treasurer, in accordance with Act Number \_\_\_\_\_, of 20\_\_\_\_.

\_\_\_\_\_  
*J.*

*See Rule 536*

Amount of time between bench warrant and defendant's return to jurisdiction of the Court	Percentage of judgment which will be reduced
0 - 60 days	90%
61 - 90 days	70%
91 - 120 days	50%
121 - 180 days	30%
Over 180 days	0%

COMMONWEALTH, EX. REL. CITY OF PHILADELPHIA	:	COURT OF COMMON PLEAS
	:	TRIAL DIVISION
	:	
v.	:	
	:	
and	:	
	:	
_____	:	DOCKET NO.
_____	:	JUDGMENT NO.
PHILADELPHIA, PA 191____	:	BOSO SEQ.
	:	ACTIVE/DISPOSED

**ORDER**

AND NOW, to wit, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, after hearing held in the above matter, it is hereby ORDERED AND DECREED that the petition to reduce/vacate judgment in the amount of \$\_\_\_\_\_ is hereby \_\_\_\_\_ upon payment \$\_\_\_\_\_ in costs as noted below. Judgment to be reduced by \_\_\_\_ per cent.

BY THE COURT:  
\_\_\_\_\_  
A.J.

The City Solicitor does (not) oppose this Petition.

\_\_\_\_\_  
Assistant City Solicitor

COSTS:

Court	\$ _____
Extradition	\$ _____
Total Costs	\$ _____
Judgment	\$ _____
Total Due	\$ _____

APPENDIX A

COMMONWEALTH, EX. REL.	:	COURT OF COMMON PLEAS
CITY OF PHILADELPHIA	:	TRIAL DIVISION
	:	
v.	:	
	:	
and	:	
	:	
	:	DOCKET NO.
	:	JUDGMENT NO.
	:	BOSO SEQ.
_____ PHILADELPHIA, PA 191____	:	ACTIVE/DISPOSED

PETITION FOR VACATION OF  
JUDGMENT ON BAIL FORFEITURE

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

1. Petitioner, by posting bond in the amount of \$ \_\_\_\_\_ acted as surety for the defendant who failed to appear as required in court on \_\_\_\_\_, 20\_\_\_\_.

2. Judgment was entered against your petition on \_\_\_\_\_, 20\_\_\_\_.

3. Your petitioner prays for vacation/reduction of the judgment entered for the following reason(s):

\_\_\_\_\_ The defendant was apprehended on \_\_\_\_\_, 20\_\_\_\_, before entry of judgment.

\_\_\_\_\_ The defendant returned to the jurisdiction of the court on \_\_\_\_\_, 20\_\_\_\_, which is \_\_\_\_\_ days after issuance of the Bench Warrant.

\_\_\_\_\_ The defendant was a patient in \_\_\_\_\_ Hospital on \_\_\_\_\_, 20\_\_\_\_, which is the date on which he failed to appear.

\_\_\_\_\_ The defendant was unable to appear because of the reasons set forth below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Appropriate proof is attached to this petition.

\_\_\_\_\_  
Petitioner-Surety

APPENDIX A

Commonwealth of Pennsylvania :  
 : ss.  
 County of Philadelphia :

PETITIONER DOES DEPOSE AND SAYS THAT THE FACTS SET FORTH ARE TRUE AND CORRECT TO THE BEST OF HIS/HER INFORMATION, KNOWLEDGE AND BELIEF.

\_\_\_\_\_  
 Petitioner-Surety

Sworn to and subscribed before me  
 this \_\_\_\_ day of \_\_\_\_\_,  
 20\_\_\_\_.

\_\_\_\_\_  
 Notary Public

My Commission Expires:



*See Rule 605*

SAMPLE OF PRETRIAL ORDER

In The Case Of: \_\_\_\_\_

Defendant: \_\_\_\_\_

Case no.: \_\_\_\_\_

Most Serious Charge: \_\_\_\_\_

Attorney: \_\_\_\_\_

Trial is hereby scheduled in Room \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_.

An early call of the list will be held on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ and counsel only will be expected to appear at that time to signify their preparedness for the above-scheduled trial.

All Motions in this case must be filed no later than \_\_\_\_\_, 20\_\_\_\_ and must be heard prior to the above-scheduled trial date.

Motions not filed in compliance with this Order will not be accepted.

BY THE COURT:

\_\_\_\_\_  
*J.*

Signed: Defendant \_\_\_\_\_

Defense Counsel \_\_\_\_\_

A. D. A. \_\_\_\_\_

SAMPLE OF MOTION

Motion Of: \_\_\_\_\_  
(Name)

COURT OF COMMON PLEAS

\_\_\_\_\_ Term, \_\_\_\_\_

Motion no. \_\_\_\_\_  
(Assigned by Clerk of Quarter Sessions)

RULE AND ORDER TO SHOW CAUSE

And now, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a Rule is hereby granted directing the  
\_\_\_\_\_ to show cause why the attached \_\_\_\_\_ should not be granted.

Rule returnable the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ at Room  
\_\_\_\_\_, Criminal Justice Center, Philadelphia, Pa.

BY THE COURT:

\_\_\_\_\_  
J.

**See Rule 650**

IN THE COURT OF COMMON PLEAS,  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA,  
TRIAL DIVISION, CRIMINAL SECTION

Commonwealth of Pennsylvania	:	_____ Term, 20 _____
	:	
v.	:	Nos. _____
	:	
_____	:	Date _____

POST TRIAL ORDER

1. SENTENCE IS HEREBY DEFERRED PENDING:
- disposition of motion for new trial/arrest of judgment
  - preparation of pre-sentence report
  - preparation of psychiatric report
  - other (specify): \_\_\_\_\_

2. NOTES OF TESTIMONY.
- The testimony of trial  is  is not to be transcribed prior to the hearing.
- The transcript is to be filed by \_\_\_\_\_ by \_\_\_\_\_.
- (DATE) (REPORTER'S NAME)

3. HEARING.
- The hearing shall be scheduled by the Court Administrator for a date approximately  
(Check number of approximate weeks)
- 3 weeks     6 weeks     9 weeks     12 weeks, after trial.

4. COURT EN BANC.
- A panel  is  is not to be convened for the hearing.

5. DEFENDANT STATUS.     defendant is remanded to custody
- defendant is released on original bail follows: \_\_\_\_\_  
(INDICATE SURETY)
- defendant's bail is modified as follows: \_\_\_\_\_  
(INDICATE SURETY)

_____	_____
DEFENDANT'S PRESENT ADDRESS	DEFENSE COUNSEL NAME AND ADDRESS

REMARKS (Due date of briefs if any) \_\_\_\_\_

*See Rule 705*

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Commonwealth	:	January Term, 1977
	:	no. 1111
v.	:	
	:	
John Doe	:	

**Notice of Motion for Order to Destroy Controlled Substances**

PLEASE TAKE NOTICE that upon the affidavit of \_\_\_\_\_  
sworn to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the information herein, the report of analysis of  
\_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and upon all the papers and proceedings  
heretofore had herein, the undersigned will move this court at a term thereof to be held at Room \_\_\_\_\_, City Hall,  
Philadelphia, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock, for an order pursuant to  
the provisions of Star Rule no. 329, directing the destruction of certain controlled substances specified in the application  
herein, and for such other and further relief as to the Court may seem just and proper.

\_\_\_\_\_  
*District Attorney*

To: \_\_\_\_\_  
*Attorney for Defendant*

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Commonwealth : January Term, 1977  
 : no. 1111  
v. :  
 :  
John Doe :  
 :

**Affidavit in Support of Motion Upon Notice to  
Destroy Controlled Substances**

Commonwealth of Pennsylvania :  
 : ss.:  
County of Philadelphia :

\_\_\_\_\_, being duly sworn, deposes and says:

Your deponent is an Assistant District Attorney of the County of Philadelphia, and is familiar with the proceedings in the above-entitled action.

This affidavit is respectfully submitted in support of the Motion for an order directing the destruction of controlled substances hereinafter specified.

The defendant herein was charged in Bill of Information no. \_\_\_\_\_ of \_\_\_\_\_ Term, 1977, with the crime of \_\_\_\_\_. A copy of such information is annexed hereto and marked Exhibit A.

The information herein was obtained, in the main, as the result of a seizure by police officers at the residence of the defendant at \_\_\_\_\_ Street, Philadelphia, Pennsylvania of controlled substances. Annexed hereto and marked Exhibit B is the report of analysis of said controlled substances made by \_\_\_\_\_, dated \_\_\_\_\_, 20\_\_\_\_, including the qualitative identification, weight and quantity of same.

The aforesaid controlled substances are material to the prosecution of the information herein.

The District Attorney of Philadelphia County believes that all of the aforesaid controlled substances should be destroyed forthwith because [Set forth reasons for belief]

The destruction of said controlled substances prior to the trial of the information herein will prejudice neither the prosecution nor the defendant in that [specify].

No previous application for the relief sought herein has been made to any court or judge.

WHEREFORE, your deponent prays for an order, pursuant to Star Rule no. 329, directing the destruction of the aforesaid controlled substances, and for such other and further relief as to the Court may seem just and proper.

\_\_\_\_\_  
Jurat



IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Commonwealth : January Term, 1977  
: no. 1111  
v. :  
: :  
John Doe : :

**Waiver by Defendant of Hearing on  
Motion to Destroy Controlled Substances  
and Consent to Destruction**

Commonwealth of Pennsylvania :  
: ss.:  
County of Philadelphia :

\_\_\_\_\_, being duly sworn, deposes and says:

I am the defendant in the above-entitled action.

Pursuant to the provisions of Star Rule no. 329. I hereby waive hearing upon the motion made by the District Attorney by notice of motion and affidavit, both dated \_\_\_\_\_, 20\_\_\_\_, for an order directing the destruction of certain controlled substances alleged to be material to the prosecution of the information herein, and do further consent to the granting of said motion and entry of an order of destruction.

\_\_\_\_\_  
Jurat

Comment: "Note that the waiver and consent may be by sworn affidavit as above or by personal appearance in court and declaration on the record of such waiver and consent."

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Commonwealth : January Term, 1977  
 : no. 1111  
v. :  
 :  
John Doe :

**Order Directing Destruction of Controlled Substances**

The District Attorney of Philadelphia County, having moved this Court by a notice of motion and affidavit, both dated \_\_\_\_\_, 20\_\_\_\_, for an order, pursuant to Star Rule no. 329, directing destruction of certain controlled substances alleged to be material to the prosecution of the information herein, and a hearing thereon having duly been conducted on \_\_\_\_\_, 20\_\_\_\_, and the Commonwealth having been represented therein by \_\_\_\_\_, Assistant District Attorney of Philadelphia County, and the defendant having been represented by \_\_\_\_\_, Esq., his counsel, and

The Commonwealth having established by competent evidence the nature and quantity of the controlled substances which are the subject of this motion, and

This Court being satisfied that neither the Commonwealth nor the defendant will be prejudiced thereby, it is

ORDERED that the motion be and same is hereby in all respects granted, and it is further

ORDERED that all of the controlled substances which are the subject of this motion, to wit: [specify] be destroyed, and it is further

ORDERED that \_\_\_\_\_, being in custody of the aforesaid controlled substances, make provision for the destruction thereof no later than \_\_\_\_\_, 20\_\_\_\_, in the presence of at least four witnesses, at least one of whom shall be a police officer, and it is further

ORDERED [Here set forth any other decretal provisions which the court may deem proper and as the interests of justice may require in order to effectuate the provisions of this Rule.]

\_\_\_\_\_  
*Judge, Court of Common Pleas*

IN THE COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

Commonwealth : January Term, 1977  
: no. 1111  
v. :  
: :  
John Doe :

**Affidavit of Destruction of Controlled Substances**

Commonwealth of Pennsylvania :  
: ss.:  
County of Philadelphia :

\_\_\_\_\_, being duly sworn, deposes and says:

I am the representative of the Police Department, City of Philadelphia, Commonwealth of Pennsylvania.

On \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock. a.m. or p.m. at \_\_\_\_\_

[Place]

I destroyed the following specified controlled substances pursuant to an order of this Court made and entered in the above-entitled action on \_\_\_\_\_, 20\_\_\_\_.

[Here identify controlled substances by reference to the report or analysis or by other identifying number or system.]

The controlled substances were destroyed in the following manner: [specify]

**Witnesses**

Name	Title	Agency
_____	_____	_____
_____	_____	_____
_____	_____	_____

*See Rule 810*

<b>APPLICATION FOR CONTINUANCE</b>		PHILADELPHIA COURT OF COMMON PLEAS OFFICE OF COURT ADMINISTRATION ROOM 615 CITY HALL, PHILADELPHIA, PA	
RE: COMMONWEALTH VS.		TERM AND NUMBER	
REASON FOR CONTINUANCE			
CONTINUANCE REQUESTED BY:			
<input type="checkbox"/> District Attorney <input type="checkbox"/> Defense Attorney <input type="checkbox"/> Other ( <i>Specify</i> ):			
NO. OF PRIOR LISTINGS	APPLICATION MADE ON ( <i>Date</i> )	SIGNATURE OF ATTORNEY OR DIST. ATTY. REQUESTING CONTINUANCE	
APPLICATION FOR CONTINUANCE IS GRANTED		NEW TRIAL DATE	
		DATE	IN ROOM NO.
J.			

30-156 (Rev. 6/72)

This form is to be filled out in all cases where continuance is granted and returned to the Criminal Listings Office each day by the Court Crier.

WHITE — COURT      CANARY — DISTRICT ATTORNEY      PINK — DEFENSE COUNSEL

*See Rule 950*

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY

Firm Name \_\_\_\_\_

Attorney Name \_\_\_\_\_

Attorney Identification no. \_\_\_\_\_

Addresses \_\_\_\_\_

Telephone no. \_\_\_\_\_ Client's Name \_\_\_\_\_

Commonwealth of Pennsylvania	:		Term, 20	
v.	:			
	:		Number	
Defendant(s) (Name and Address)				

P.C.H.A. CERTIFICATE OF READINESS

As counsel for the petitioner in the above matter, I certify that:

- I have procured all notes of testimony necessary for the proper disposition of this petition.
- I have conferred with the petitioner.
- All witnesses necessary for the proper disposition of this petition have been ascertained and are available to testify.
- I am filing herewith an amended petition with a copy to the petitioner and a copy to the District Attorney.
- I am in all respects ready for a hearing on this petition.

\_\_\_\_\_  
*Attorney for Petitioner*

Commonwealth of Pennsylvania	:		Term, 20	
v.	:			
	:		Number	
Defendant(s) (Name and Address)				

As District Attorney in the above-captioned matter, I certify that:

- I have procured all notes of testimony necessary for the proper disposition of this petition.
- All witnesses necessary for the proper disposition of this petition have been ascertained and are available to testify.
- I am filing herewith an answer to the amended petition with copies to the petitioner and petitioner's attorney.
- I am in all respects ready for a hearing of the P.C.H.A. petition in this case.

\_\_\_\_\_  
*District Attorney*

# Criminal Division Index





### Criminal Division Index

References are to Rule Numbers, Administrative Directives or Calendar Protocol

#### APPEALS

Filing of record . . . . .	576(e)
Motions . . . . .	600V
Procedure . . . . .	920
Recording and transcribing. . . . .	155(b)(2)(ii)
summary convictions . . . . .	600V
Traffic Court . . . . .	600V
Summary appeal. . . . .	462

#### ARRAIGNMENT

Arraignment . . . . .	571
Preliminary Arraignment . . . . .	540
Protocol for proceedings before Calendar Judge . . . . .	CAL PROT

#### ASSIGNMENT CONFERENCES

Section Calendar Program . . . . .	CAL PROT
------------------------------------	----------

#### ATTORNEYS

*See Counsel*

#### BAIL

Bail agency, duties and powers. . . . .	530
Bail defendant, presence of. . . . .	CAL PROT
Bail piece, surety . . . . .	536(E)
Bench warrant . . . . .	536(A), (B)
Deposit of bail, 10 percent . . . . .	528
Failure to appear. . . . .	536(A)
Pretrial services division. . . . .	528
Professional bail bondsmen, addition requirements for . . . . .	GC REG 99-02
Sue-out order . . . . .	536(D)
Violations of conditions . . . . .	536

#### BENCH WARRANTS

Failure to appear . . . . .	536(A)
Hearings . . . . .	515
Protocol for proceedings before Calendar Judge . . . . .	CAL PROT
Withdrawal. . . . .	536(B)

#### COMPETENCY

Competency issues at pre-trial stage. . . . .	CAL PROT
---	----------

#### COMPLAINT PROCEDURES

Approval by commonwealth attorney . . . . .	507
arrest warrant affidavit. . . . .	507
police complaints . . . . .	507

#### CONFERENCES

Pretrial conference . . . . .	CAL PROT
Section leader assignment conference . . . . .	CAL PROT
Status conference . . . . .	CAL PROT
Trial scheduling conference . . . . .	CAL PROT

#### CONTINUANCES

Applications for . . . . .	810
Common pleas felony/municipal court. . . . .	800
permitted reasons for . . . . .	800I
definitions. . . . .	800II
defendants in custody . . . . .	820
Preliminary hearing . . . . .	801

**COUNSEL**

Appearance before Chief Calendar Judge . . . . .	CAL PROT
Appellate counsel appointment, no death penalty . . . . .	122-3
qualifications . . . . .	122-3(A)
Compensation rates . . . . .	122-11, AD DIR 1 of 1997
appointments . . . . .	122-11C
homicide cases . . . . .	122-11B
non-homicide cases . . . . .	122-11A
payment . . . . .	122-11D
reimbursement . . . . .	122-11E
Conflicts . . . . .	805(B)
common pleas court . . . . .	805(B)(1)
district court . . . . .	805(B)(2)
Entry of appearance precluded . . . . .	122-14
20 or more criminal cases, attorney list . . . . .	122-14(A), (B), CAL PROT
remedies . . . . .	122-14(B)
Experience exception . . . . .	122-7
Fee petitions, falsification . . . . .	
AD DIR 1 of 1997	
Felony case appointment . . . . .	122-5
qualifications . . . . .	122-5(A)
Guidelines, compensation and reimbursement . . . . .	122-12
appointments . . . . .	122-12B
payments . . . . .	122-12C
requests, content . . . . .	122-12D
review . . . . .	122-12E, 122-12F
standards . . . . .	122-12G
statutes 122-12A	
Ineffective assistance . . . . .	122-13
Misdemeanor case appointment . . . . .	122-6
Multiple defendants, appointment . . . . .	122-10
PCRA counsel, appointment . . . . .	122-4
qualifications . . . . .	122-4(A)
Performance complaints . . . . .	122-8B
Performance standards . . . . .	122-8
appeals . . . . .	122-8C
general . . . . .	122-8A
processing complaints . . . . .	122-8B
Preliminary hearing, appointment . . . . .	542(B)
Principal office to be in Philadelphia . . . . .	AD DIR 2 of 1997
Priority list . . . . .	805
Standards, appointed counsel . . . . .	122
lists of qualified attorneys . . . . .	122(A)
selection of attorneys . . . . .	122(B)
Remedial measures . . . . .	122-9A
Violation of standards . . . . .	122-9
remedial measures . . . . .	122-9A
types of remedies . . . . .	122-9B

**COURT PROCEEDINGS**

Recording and transcribing . . . . .	115
appeals . . . . .	155(b)(2)(ii)
pre- and post-trial motions . . . . .	115(b)(2)(i)
request for transcript . . . . .	115(b)(1)
Trial Commission . . . . .	115(a)

**DEFENDANTS**

Competency Issues . . . . .	CAL PROT
Presence of . . . . .	CAL PROT

**DEFINITIONS**

Office of Judicial Records . . . . .	103
--------------------------------------	-----

**DISCOVERY**

Protocol for proceeding before Calendar Judge . . . . .	CAL PROT
---	----------

**DRUGS**

Affidavit of destruction . . . . .	705V
Analysis and destruction . . . . .	705
Analysis . . . . .	705IA
Destroyed drugs, evidence . . . . .	705VI
Motion to destroy . . . . .	705II
Orders of court . . . . .	705IV
Proceedings, motion to destroy . . . . .	705III

**FILING**

Confidential information . . . . .	576(f)
ex parte filing . . . . .	576(f)
under seal . . . . .	576(f)
Electronic filing . . . . .	576
legal papers, definition . . . . .	576(a)(2)
scope and purpose . . . . .	576(A)(1)
redaction . . . . .	576(h)(1)
training . . . . .	576(h)(4)
assistance . . . . .	576(h)(4)-(5)
Electronic filing account . . . . .	576(b)(1)
Fees, not required 576(b)(2)	
Fees, payment . . . . .	576(b)(3)
Motions . . . . .	600II
Paper format . . . . .	576(d)
Procedures . . . . .	576(c)
Record on appeal . . . . .	576(e)
Service . . . . .	576(g)

**FINES**

Indigent defendant . . . . .	660
------------------------------	-----

**FIREARMS**

Confiscation . . . . .	700(A)
Custody . . . . .	700(C)-(E)
Destruction . . . . .	(A)
Exhibit . . . . .	700(A)
Records . . . . .	700(B)
When appeal taken . . . . .	700(A)

**FORMS**

Design of forms . . . . .	104
Subpoena . . . . .	107(a)

**GUILTY PLEAS**

Plea discussions . . . . .	CAL PROT
Pretrial conference procedure . . . . .	CAL PROT
Refused by trial judge . . . . .	710

**HEARINGS**

Bench warrant hearings . . . . .	515
----------------------------------	-----

**HOMICIDE PROGRAM**

Homicide cases . . . . . 605  
 Protocol for proceeding before Calendar Judge . . . . . CAL PROT

**INDICTING GRAND JURY PROCEDURES & PROTOCOL**

608 status listing . . . . . IGJ PROT  
 Bail motions . . . . . IGJ PROT  
 Defendant not indicted . . . . . IGJ PROT  
 Designated IGJ Judge . . . . . IGJ PROT  
 Disclosure limitations . . . . . IGJ PROT  
 Discovery motions . . . . . IGJ PROT  
 Family violence & sexual assault IGJ cases . . . . . IGJ PROT  
 Formal arraignment . . . . . IGJ PROT  
 Homicide IGJ cases . . . . . IGJ PROT  
 Motions to continue trial based on disclosure . . . . . IGJ PROT  
 Preliminary arraignment, ex-parte motion . . . . . IGJ PROT  
 Preliminary arraignment, Municipal Court . . . . . IGJ PROT  
 Pre-trial readiness conference . . . . . IGJ PROT  
 Re-filed case . . . . . IGJ PROT  
 Scheduling conference . . . . . IGJ PROT  
 Status . . . . . IGJ PROT

**JUDGES**

Assignment of cases for trial . . . . . CAL PROT

**LOCAL RULES**

Citation form . . . . . 102  
 Definition . . . . . 105

**MINORS**

Minor victim . . . . . 435

**MOTIONS**

Appeals . . . . . 600V  
     summary convictions . . . . . 600V  
     Traffic Court . . . . . 600V  
 Applications, pre-trial, pre-trial suppression . . . . . 600III, IV  
 Classification . . . . . 600I  
 Criminal Calendar Program . . . . . 605, CAL PROT  
 Criminal List Program cases . . . . . 610  
 Drugs, destruction of . . . . . 705II  
 Filing . . . . . 600II  
 Homicide cases . . . . . 605  
 Pre- and post-trial motions, recording . . . . . 115(b)(2)(i)  
 Pre-trial motions . . . . . 605  
 Protocol for proceeding before Calendar Judge . . . . . CAL PROT  
 Rule 1100 and 6013 motions . . . . . 620  
 Scheduling . . . . . 605

**MUNICIPAL COURT**

Suppression of evidence, application . . . . . 630

**ON-CALL LIST**

On-call list in Criminal Calendar Courtroom, procedures . . . . . CAL PROT

**POST-CONVICTION**

Procedure . . . . . 950

**POST-TRIAL**

Deferred sentence . . . . . 655  
 En banc court . . . . . 650(C)  
 Hearings . . . . . 655

Motions .....	655
Notes of testimony .....	650(B)
Orders .....	650(A)
<b>PRELIMINARY PROCEEDINGS</b>	
Arraignment .....	571, CAL PROT
Continuances .....	801
Preliminary arraignment .....	540
Preliminary hearing .....	542
failure to appear .....	542(A)
appointment of counsel .....	542(B)
<b>PRE-TRIAL PROCEEDINGS</b>	
Arraignment .....	570, CAL PROT
Preliminary arraignment .....	540
Preliminary hearing .....	542
failure to appear .....	542(A)
appointment of counsel .....	542(B)
Pretrial motions .....	600, CAL PROT
Protocol for proceeding before Calendar Judge .....	CAL PROT
<b>PRISONERS</b>	
Bring-up .....	680
Funeral orders .....	670
Presence of .....	CAL PROT
Transfer of federal or state prisoner to Philadelphia system .....	900
<b>PROBATION</b>	
Detainer and violation procedure .....	910
technical violation .....	910(B)
violation due to subsequent arrest .....	910(A)
<b>RECORDING AND TRANSCRIBING</b>	
Appeals .....	155(b)(2)(ii)
Pre- and post-trial motions .....	115(b)(2)(i)
Request for transcript .....	115(b)(1)
Trial Commission .....	115(a)
<b>RELEASE</b>	
Bail agency, duties and powers .....	530
Deposit of bail, 10 percent .....	528
Failure to appear .....	530
Pretrial services division .....	528
Revocation .....	536(A)
<b>SCOPE</b>	
Scope of rules .....	100
<b>SEARCH WARRANTS</b>	
Approval by commonwealth attorney .....	202
<b>SENTENCING</b>	
Fines .....	660
Hearing on deferred sentence .....	655
Indigent defendant .....	660
Pre-trial incarceration, inclusion in sentence .....	640
Probation detainer and violation of procedure .....	910
Recording of sentence .....	640
State and federal prisoners in Philadelphia prison system .....	900
Stay pending appeal of Municipal Court judgment .....	645
<b>SERVICE</b>	
Service of legal papers .....	576(g)
electronic filing system .....	576(g)(1)-(3)



**STATUS LISTINGS**

Protocol for proceeding before Calendar Judge . . . . . CAL PROT

**SUBPOENA**

Contents . . . . . 107

Forms . . . . . 107(a)

Service on FJD and employees . . . . . 107(c)

Use of . . . . . 107(b)

**SUMMARY CONVICTIONS**

Appeal from summary conviction . . . . . 600

**SUPPRESSION OF EVIDENCE**

Application, Municipal Court . . . . . 630

Pre-trial suppression application . . . . . 600

**TRACK DESIGNATIONS**

Section calendar program . . . . . CAL PROT

**TRAFFIC COURT**

Appeals . . . . . 600

Inactive citations, procedure to terminate . . . . . ADM DKT No. 1 of 2001

**TRIALS**

Assignment of cases for trial . . . . . CAL PROT

Cases in which victim is a minor . . . . . 435

De novo trial . . . . . 462

On-call list . . . . . CAL PROT

Protocol for proceeding before Calendar Judge . . . . . CAL PROT

Summary appeal . . . . . 462