ADAMS COUNTY COURT OF COMMON PLEAS
RULES OF CRIMINAL PROCEDURE

Rule 105.1. Citation and Applicability.

These Rules may be cited as Adams C.R.Crim.P. (number), or Local Crim. Rule (number). As used in these rules, "Clerk" shall mean the Clerk of Courts.

Rule 105.2. Appeals.

A. With the exception of appeals involving minor defendants, appeals from Magisterial District Judge decisions shall be listed for hearing by the Clerk of Courts on the first available Criminal Business Court Day at least twenty-eight (28) days later than the time of the filing of the appeal.

B. Appeals from summary convictions involving defendants under the age of eighteen (18) years shall be listed for hearing by the Clerk of Courts on the first Juvenile Court (DPS) Day of each month which is at least twenty-eight (28) days later than the time of the filing of the appeal. Immediately upon the filing of the appeal, the Clerk shall provide notice of the appeal and the date upon which it has been scheduled to the Department of Probation Services and the District Attorney's Office. Notice shall be provided to the defendant pursuant to local practice.

Rule 105.3. Requests for Closed Hearings.

Except as otherwise provided by law or state rule, a party to a criminal action intending to request that a proceeding be closed to the public, must give notice as follows:

(Caption)

Take notice that the undersigned intends to present a request to the Court on _____ , 20 ____ , at ____ in Courtroom No./Chambers that proceedings concerning _____ be closed to the public.

The notice shall be posted in the Clerk of Courts' office and shall be mailed to every newspaper in general circulation in Adams County at least ten (10) days prior to presentment.

The moving party will be required to file proof of service at the time the request is made.

Comment: It is not intended that this Rule apply when a statute or general rule requires a private, or in camera hearing. It is intended to apply in situations where a judge has discretionary authority to bar the public from a proceeding.

Rule 105.6. Local Fees.

In addition to fees and charges imposed by statute or by the Supreme Court, the Court may impose fees as a condition of sentence or the Accelerated Rehabilitative Disposition Program (ARD), or the Addiction Diversionary Program (ADP). The fees shall be established by administrative order and may be assessed against a defendant by general wording in an order, to the effect, "the defendant shall pay fees established by Local Rule of court or administrative order."

An order may state, "the defendant shall pay fees established by Local Rule of Court except (listed exceptions)", in which instance all fees shall be included except those fees or that fee excepted.

Rule 117(B). Coverage.

The assigned on-call magisterial district judge shall be in contact with the Adams County Central Booking facility via video-conferencing daily at 4:00 P.M., 10:00 P.M., and 8:30 A.M. for the conducting of business which shall include receiving criminal complaints, conducting preliminary arraignments, setting bail, and any other business permitted by the Rules of Criminal Procedure.

Rule 120. Attorneys---Appearance and Withdrawals.

Upon filing of entry of appearance, counsel of record shall receive notification of filings and docket entries in the matter until said attorney files a withdrawal of appearance and upon approval of said withdrawal by the court.

Rule 123. Unusual Magisterial District Judge Proceedings.

Whenever cases pending before a magisterial district judge involve a greater number of persons expected to attend a hearing, than can be reasonably accommodated in the magisterial district judge's facility, and/ or coordination of witnesses, attorneys and prosecuting officers can best be accomplished at a centralized location, the magisterial district judge may request the President Judge to direct that hearings be conducted in a courtroom in the County's Judicial Center. In addition, if efficient administration of justice requires special scheduling of a pending case, the President Judge may direct that proceedings be held in a courtroom designated by the Court Administrator.

Rule 150. Bench Warrants.

A. This Rule shall apply to all bench warrants subject to the provisions of Pa.R.Crim.P. 150.

B. Individuals taken into custody as a result of the service of a criminal bench warrant shall be immediately transported and committed to the Adams County Adult Correctional Complex.

C. Upon commitment to the county prison, the Warden, or designated officer, shall

determine the nature of and source of the bench warrant.

1. If the warrant was issued by a judicial officer of another county, the Warden, or designated officer, shall promptly notify proper authorities in the jurisdiction which issued the warrant.

2. If the warrant was issued by a Magisterial District Judge from Adams County, the individual shall be promptly produced before the on-call Magisterial District Judge. If the matter is not resolved at that time, the individual shall be produced before the Magisterial District Judge who issued the warrant within 72 hours of commitment to the prison.

3. If the warrant was issued by a Judge of the Court of Common Pleas of Adams County, the procedure set forth below shall be followed:

    a. On or before 8:30 A.M. of the business day immediately following commitment to the prison, the Sheriff, or designated officer, shall notify the District Court Administrator of the commitment.
    b. The District Court Administrator shall make arrangements for the individual to be produced before the Court no later than 72 hours after commitment to the prison and shall produce a scheduling list for the court to be distributed to interested persons.
    c. Upon receipt of the scheduling list, the Warden or designated officer shall review and determine that all eligible defendants are listed for court, and if it is determined that a defendant is eligible but not listed, the Warden or designated officer shall immediately notify the District Court Administrator.

4. Any proceeding scheduled pursuant to this Rule may be conducted by videoconferencing. When video-conferencing is used, the judicial officer shall promptly provide appropriate written notice to the prison to either retain or release the individual.

Comment:

This Rule is designed to address those situations where an individual has been taken into custody as a result of the issuance of a criminal bench warrant in a court case (see Pa.R.Crim.P. 103). The Rule is not intended to address i) those situations where an individual voluntarily appears before the Court prior to service of the warrant, ii) those circumstances where the individual is taken into custody in or about the Adams County Courthouse, the Court is open for business, and it would be impracticable or unreasonable to transport the individual to the prison in accordance with this Rule, or iii) those situations where the Sheriff of Adams County, in the exercise of discretion, directs an individual to appear before the Court on a date and time certain (which shall customarily be the next regularly scheduled Bench Warrant court.) Except in the first circumstance, the Sheriff shall promptly notify the District Court Administrator of such apprehension or arrangement for the purpose of providing notification to appropriate persons.

This Rule does not apply to warrants issued in civil matters, i.e. Domestic Relations, Protection From Abuse. In those situations, it is expected that the individual will be promptly produced before the judge who issued the warrant or such other judge who may be designated by the President Judge. However, when a warrant is issued for failure to appear for an indirect criminal contempt proceeding in a Protection From Abuse matter, it is advisable to follow the procedure set forth in this Rule.

Notice to the District Court Administrator required by Paragraph 4 shall include, but not be limited to, the identity of the person committed, the docket number(s), the date the warrant was issued, and the date and time of commitment.

In scheduling a bench warrant hearing, the District Court Administrator shall follow local practice. Generally, the hearing will be scheduled for 1:15 P.M. on the next available Monday or Wednesday, whichever is sooner.

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option.

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstance:

> All misdemeanor and/or felony charge investigations, with the exception of search warrants to obtain a blood sample to determine blood alcohol content and the presence of controlled substances based on violations of 75 Pa.C.S. §3802(a)-(d), Driving Under the Influence of Alcohol/Controlled Substances, unless the investigation involves a fatality and/or serious bodily injury. In such instance, the affidavit of probable cause shall clearly set forth that the investigation does not involve a fatality and/or serious bodily injury;

shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Rule 507. Approval of Certain Police Complaints and Arrest Warrants by Attorney for the Commonwealth.

The District Attorney of Adams County having filed a certification pursuant to Pa. R. Crim. P. 507, criminal complaints and arrest warrant affidavits by police officers charging any of the following felony or misdemeanor crimes:

A. Corrupt Organizations in violation of 18 Pa.C.S. § 911
B. Criminal Homicide in violation of 18 Pa.C.S. § 2501
C. Murder in violation of 18 Pa.C.S. § 2502
D. Voluntary Manslaughter in violation of 18 Pa.C.S. § 2503
E. Involuntary Manslaughter in violation of 18 Pa.C.S. § 2504
F. Causing or Aiding Suicide in violation of 18 Pa.C.S. § 2505
G. Drug Delivery Resulting in Death in violation of 18 Pa.C.S. § 2506

H. Criminal Homicide of Law Enforcement Officer in violation 18 Pa.C.S. § 2507
I. Criminal Homicide of Unborn Child in violation of 18 Pa.C.S. § 2603
J. Murder of Unborn Child in violation of 18 Pa.C.S. § 2604
K. Voluntary Manslaughter of Unborn Child in violation of 18 Pa.C.S. § 2605
L. Aggravated Assault of Unborn Child in violation of 18 Pa.C.S. § 2606
M. Strangulation in violation of 18 Pa.C.S. § 2718
N. Rape in violation of 18 Pa.C.S. § 3121
O. Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1
P. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123
Q. Sexual Assault in violation of 18 Pa.C.S. § 3124.1
R. Institutional Sexual Assault in violation of 18 Pa.C.S. § 3124.2
S. Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125 (graded as a felony of the second degree or higher)
T. Arson and Related Offenses in violation of 18 Pa.C.S. § 3301
U. Dealing in the Proceeds of Illegal Activity in violation of 18 Pa.C.S. § 5111
V. Homicide by Vehicle in violation of 75 Pa.C.S. § 3732
W. Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735
X. Aggravated Assault by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S. § 3735.l
Y. Aggravated Assault in violation of 18 Pa.C.S. § 2702
Z. Trafficking in Individuals in violation of 18 Pa.C.S. § 3011
AA. Indecent Assault in violation of 18 Pa.C.S. § 3126
BB. Sexual Extortion in violation of 18 Pa.C.S. § 3133
CC. Robbery in violation of 18 Pa.C.S. § 3701
DD. Robbery of a Motor Vehicle in violation of 18 Pa.C.S. § 3702
EE. Corruption of Minors in violation of 18 Pa.C.S. § 630l(a)(l)(ii) (graded as a Felony of the Third Degree)
FF. Sexual Abuse of Children in violation of 18 Pa.C.S. § 6312
GG. Sexual Exploitation of Children in violation of 18 Pa.C.S. § 6320
HH. Criminal Attempt, Criminal Solicitation, or Criminal Conspiracy to commit any of the above offenses
II. Any offense arising out of an incident for which the District Attorney of Adams County has given written notice to the investigating agency of the District Attorney's intent to review any charges brought in connection with that incident prior to filing.

shall not hereafter be accepted by a judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rule 527. Realty Bail.

A. In cases where realty is posted as bail, the following procedures shall be applied to determine the value of the realty and the equity in it:

    1. The fair market value of the realty shall be established by a written appraisal report

prepared by a real estate broker duly licensed in Pennsylvania, within three (3) months of the date of presentation of the report; or by multiplying the assessed value of the realty (land and improvements) by the common level ratio factor prescribed by the Pennsylvania Department of Revenue from time to time for transfer tax purposes.

2. The equity in realty shall be determined by considering the appraisal and a lien certificate signed by any attorney at law authorized to practice in this Commonwealth, including the solicitor of the Recorder of Deeds, Prothonotary, Tax Claim Bureau, or a duly authorized agent of a title insurance company licensed to do business in Pennsylvania. The certificate must identify all liens against the property and the face amounts thereof. Statements from lienholders about current balances may also be considered.

B. Certificates and appraisals shall be presented to the Magisterial District Judge or to the Clerk for determination of the acceptability of the realty for bail purposes. A defendant may appeal any adverse ruling to the Court.

C. The official with whom bail is posted shall collect a fee to enter and satisfy judgment in an appropriate office in the county in which the realty is situated. Until changed, the fee for judgments in Adams County shall be $14.50. Defendant must produce proof of the fee for any county other than Adams.

D. If a Magisterial District Judge accepts such bail, the Magisterial District Judge shall transmit the judgment and satisfaction fee and a certified copy of the bail bond to the Clerk's office. In all instances when realty is accepted, the Clerk shall transmit to the Court a certified copy of the bail bond, together with a proposed order directing that judgment be entered against both the defendant and surety in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams.

E. Upon receipt of an order signed by a judge, the Clerk shall transmit a certified copy of the order, the judgment and satisfaction fee, and a certified copy of the bail bond to the appropriate office for entry of judgment.

F. In Adams County, the appropriate office for entry of judgment shall be the Prothonotary's office.

G. The order shall be substantially in the following form:

(CAPTION)

ORDER

And Now, this _____day of _____, _____, it is ordered that judgment in the amount of $ be entered in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams, and jointly against _____ and _____. No execution shall proceed against the judgment defendants without leave of court. No interest shall accrue on the judgment unless and until an order forfeiting bail is entered against judgment defendants in the criminal case. When

the bail obligation is satisfied, the Clerk of Courts shall promptly direct the appropriate officer to satisfy the judgment.

By the Court,

_____

J.

Rule 528. Monetary Condition of Release on Bail.

In addition to the forms of security permitted by Pa.R.Crim.P. 528 to satisfy monetary conditions of bail, a defendant or other surety may deposit the following forms of security in lieu of cash:

A. Certified Check payable to the Clerk of Courts and issued by a bank with a branch office located in Adams County, when security is being deposited directly with the Clerk of Courts.

B. Money Orders when the Office of the Clerk of Courts is closed for business and security is being deposited at the Adams County Adult Correctional Complex.

Rule 529. Bail Modification.

Defendants' motions for reduction or modification of bail must be filed of record. Upon receipt, the Clerk of Courts shall serve a copy of the motion upon the Court. In all instances where a defendant files a motion for bail modification, an affidavit shall accompany said motion. The affidavit shall substantially be in the form as provided by the Court, located at:

https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter

This Rule does not preclude the ability for a motion for bail modification to be made in open court during a trial or hearing as permitted by Pa.R.Crim.P. 575(A)(1). The Court may still direct the movant to complete an affidavit.

Rule 535. Fees Upon Return of Deposits.

The costs of administering cash bail, including costs of the percentage-cash bail program, shall be set by administrative order. Until changed, the Clerk or Magisterial District Judge shall retain $25.00 as costs, when returning cash deposits to the persons entitled thereto. The amount retained shall then be paid to the County of Adams.

Rule 541. Waiver of Preliminary Hearing.

A. A defendant represented by counsel may waive the right to a preliminary hearing by both the defendant and counsel executing a waiver in substantially the form set forth in Rule 541.1. The waiver shall be prepared by the presiding Magisterial District Judge prior to the defendant’s execution of the waiver. Upon defendant’s execution of the waiver, the waiver must be returned to and, if accepted, signed by the Magisterial

District Judge. The executed waiver may be presented by counsel to the presiding Magisterial District Judge no later than the end of business on the Friday preceding the preliminary hearing.

B. If bail was set at preliminary arraignment, bail shall remain as set unless the defendant requests a hearing.

C. Bail for any defendant waiving preliminary hearing who has not otherwise been preliminarily arraigned by a Magisterial District Judge shall be set by the presiding Magisterial District Judge. Bail shall be noted by the Magisterial District Judge on the waiver form prior to execution of the form by the defendant. Bail shall be conditioned upon compliance with the following conditions in addition to any special conditions set by the Magisterial District Judge:

1. The defendant must appear at all times required until full and final disposition of the case(s).

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

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

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

5. The defendant must refrain from criminal activity.

6. The Defendant must comply with any fingerprint order, if any is issued by this Court.

D. Execution of the waiver form by a party will indicate their acknowledgement of the bail conditions. The Magisterial District Judges are relieved from requiring further signature of the defendant on bail documentation.

E. When a waiver is executed and filed with the Magisterial District Judge pursuant to the terms of this section, the Magisterial District Judge shall confirm receipt of the same to defendant's counsel. Upon confirmation of receipt, the defendant's obligation to appear as previously directed is waived.

Rule 541.1. Form of Waiver.

The notice shall substantially be in the following form:

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

COMMONWEALTH OF PENNSYLVANIA MJ-513____-

VS.

_____

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

1. I am represented by counsel of record and wish to waive my preliminary hearing.

2. If I am represented by counsel, my attorney concurs in this waiver.

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

4. I understand that I am required to report for formal arraignment before the Adams County Court of Common Pleas on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the date which I must appear. I am further aware that my presence at formal arraignment is required and if I fail to appear, the proceeding may be conducted in my absence and a bench warrant will be issued for my arrest.

5. I understand that my bail has been set at _____ and that failure to appear as directed at all future court proceedings or to otherwise comply with the conditions of bail as set forth hereinbelow may result in forfeiture of the bail bond and issuance of a warrant for arrest.

6. I understand that the conditions of my release as established in paragraph 5 above are as follows:

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

    b. I must obey all further orders of court.

    c. I must provide a current address and must give written notice to the bail authority/court bail agency/other designated court bail officer, Adams County Clerk of Courts and the Adams County District Attorney of any change of address within 48 hours of the date of the change. In this regard, if my address listed on the criminal complaint is inaccurate, I must advise the bail authority/court bail agency/other designated court bail officer, Clerk of Courts and the District Attorney of the correct address within 48 hours of the date this document is executed by me.

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

e. I must refrain from criminal activity.

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

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904). I have been advised by the issuing authority of my right to a preliminary hearing. I understand that, by waiving my right to a preliminary hearing, I am precluded from raising the sufficiency of the Commonwealth's *prima facie* case. I voluntarily waive this hearing and agree for this matter to be bound over to court.

Dated: _____ _____
Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of all future court proceedings before the Adams County Court of Common Pleas.

Dated: _____ _____
Attorney

This waiver of preliminary hearing is accepted.

Dated: _____ _____
Magisterial District Judge

Rule 542. Notice of Arraignment.

A. In all cases where defendants are held for court, the Magisterial District Judge shall provide the defendant and counsel of record notice of the dates of formal arraignment, non-trial disposition conference, DUI date or plea date, and criminal trial term including jury selection. Notice shall be given at the conclusion of the preliminary hearing. The notice (hereinafter "Written Notice") shall be in the form set forth in Rule 542.1 and shall be signed by the defendant and counsel, if any. The defendant and defense counsel of record shall be given a copy of the Written Notice at the time of acknowledgement. In the event the preliminary hearing is waived, the Written Notice may be given solely to counsel who thereafter shall have the Written Notice executed

by their client and filed with the Clerk of Court's Office prior to formal arraignment. Counsel shall also provide a copy of the Written Notice to their client. No further notice of the scheduled court dates shall be required.

B. The court dates for further appearance of the defendant will be set in accordance with Local Rule 542.2.

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

Rule 542.1. Form of Written Notice.

The written notice shall substantially be in the following form:

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

COMMONWEALTH OF PENNSYLVANIA MJ-513-CR-

VS.

_____

CHARGES:

NOTICE OF COURT DATES

1. You must appear for formal arraignment at a time to be determined by separate notice on _____, 20___ in a Courtroom to be designated, fourth floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has filed a written waiver of arraignment with the Adams County Clerk of Court's Office prior to the above specified date and time. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.

2. You must appear for a non-trial disposition conference in the Adams County District Attorney's Office, Room 301, Adams County Courthouse, on _____, 20__ at 10:00 a.m. Your failure to appear on said date and time will result in your bail being revoked and a bench warrant being issued for your arrest. If you are represented by counsel, your appearance may be waived upon consent of the Commonwealth.

3. You must appear at a time to be determined by separate notice on _____, 20__ in a Courtroom to be designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or requesting a continuance in the above-captioned case. If you fail to appear on said date, your bail will be revoked and a warrant will be issued for arrest.

4. You are scheduled for trial during the trial term beginning _____, 20__ at 8:30 a.m. in Courtroom No. 2, fourth floor, Adams County Courthouse. Jury selection will take place on the first day of the trial term and trials will be held throughout the length of the trial term. Your failure to appear will result in forfeiture of your bail and issuance of a warrant for your arrest. If you fail to appear without cause for jury selection or trial, your absence may be deemed waiver of your right to be present and the proceeding, including trial, may be conducted in your absence. If trial occurs in your absence, you may be found guilty of all charges against you and subject to all penalties provided by law including imprisonment.

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

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

_____	_____	_____
Date	Defendant's signature	Defense Attorney's signature

Rule 542.2. Scheduling of Court Dates.

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

1. Arraignment shall be scheduled on the arraignment date as established bi-annually by schedule adopted by the Court.

2. Non-trial disposition conference shall be scheduled as established bi-annually by schedule adopted by the Court.

3. Plea dates shall be held on DUI dates and plea dates as established by the Court Calendar, as supplemented by the Court Administrator's Office pursuant to paragraph B hereinbelow.

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

B. The Court Administrator's Office shall biannually prepare a schedule from the Court Calendar, which shall list the dates of arraignment, non-trial disposition conference, DUI date or plea date, and jury selection/trial term applicable for cases held for court on or before each Central Court date. On or before January 1st and July 1st of each year,

the Court Administrator's Office shall post the schedule for Central Court dates occurring within the following six (6) months and provide copies to the Court, the Clerk of Court's Office, each Magisterial District Judge, the District Attorney, and the Public Defender. The Magisterial District Judge shall enter the dates of court appearances and the notice required by this rule in accordance with the schedule established by the Court Administrator's Office.

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

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

Rule 547. Return of Transcript and Original Papers.

When a defendant is held for court, or after the issuing authority receives notice that the case will be presented to the indicting grand jury and closes out the case, the issuing authority shall prepare a transcript of the proceedings. The transcript and any associated documents shall be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents. The electronically scanned transcript and associated documents shall constitute the original documents for purposes of this rule. The issuing authority shall retain the physical paper transcript and associated documents as long as required to comply with record retention policies.

Note: Text of rule effective April 1, 2025.

Rule 570.1. Non-Trial Disposition Conference.

A. Within 60 days of formal arraignment, the Commonwealth and defense attorney or *pro se* defendant shall meet for a non-trial disposition conference to discuss:

1. informal discovery;

2. applicable sentencing guideline ranges and other sentencing factors; and

3. the terms, if any, of proposed plea offers and agreements.

B. The date of non-trial disposition conference shall be set annually by the Court Calendar with notice of the same provided to the parties at the time of preliminary hearing.

C. Attendance at the non-trial disposition conference is mandatory and appearing at the same shall be a standard condition of all bail.

D. Upon petition of the Commonwealth, and after hearing, the Court may revoke the defendant's bail for failure to appear at the non-trial disposition conference.

E. The non-trial disposition conference is a non-record proceeding.

Rule 571. Waiver of Arraignment.

A defendant who is represented by counsel of record may waive appearance at formal arraignment by presenting to the Court prior to or at the time of formal arraignment a waiver in substantially the form set forth in Rule 571.1. The waiver shall be executed by both the defendant and counsel. If a defendant represented by counsel waives arraignment, the Commonwealth shall serve counsel of record with a copy of the criminal information within ten (10) days of the date the waiver is presented to the Court. The Commonwealth shall further provide counsel of record notice of the dates of defendant's plea day appearance and jury selection/trial within ten (10) days of the date the waiver is presented to the Court. Counsel waiving formal arraignment on behalf of a defendant shall be prepared to indicate on the record at the time of the plea day appearance and/or jury selection that the defendant was provided written notice as to the respective date and requirement that the defendant must appear for plea and/or trial.

Rule 571.1. Form of Waiver.

The notice shall substantially be in the following form:

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

COMMONWEALTH OF PENNSYLVANIA CP-01-CR-

VS.

_____

WAIVER OF APPEARANCE AT FORMAL ARRAIGNMENT

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

1. I understand that I have the right to be represented by counsel. I am represented by counsel of record and wish to waive my appearance at formal arraignment.

2. My attorney concurs in this waiver.

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

4. I am aware of my right to file motions, including a request for a bill of particulars, a motion for pre-trial discovery and inspection, a motion requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa. C.S. § 6322, and an omnibus pre-trial motion. I am also aware of the time limits within which these motions must be filed.

5. I understand that I am required to report for future court proceedings including my plea date and date for trial on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the dates and times which I must appear. I am

further aware that my presence at these events is required and if I fail to appear, it may be deemed a waiver of my right to be present and the proceedings may be conducted in my absence. Additionally, I understand a bench warrant will be issued for my arrest.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904).

Dated: _____ _____
Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of plea day and trial before the Adams County Court of Common Pleas.

Dated: _____ _____
Attorney

Rule 576.1. Electronic Filing and Service of Legal Papers.

A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 51st Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile, effective March 9, 2020.

B. All parties identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) are authorized to electronically file legal papers through PACFile with the clerk of courts in cases in the Adams County Court of Common Pleas, 51st Judicial District.

C. Any party identified as electronic filing participants by Pa.R.Crim.P. 576.1(D) may utilize PACFile for any document except the following:

1. applications for search warrants,

2. applications for arrest warrants,

3. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,

4. submissions filed *ex parte* as authorized by law, and

5. submissions filed or authorized to be filed under seal.

6. exhibits offered into evidence, whether or not admitted, in a court proceeding.

D. Any party who is ineligible, declines, or not otherwise required to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to

the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

E. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576. When utilizing PACFile, parties shall not be required to serve the court administrator.

F. In the event an attorney enters an appearance for a defendant who was previously unrepresented and said defendant established a PACFile account while unrepresented, said defendant shall no longer be permitted to utilize PACFile while represented by counsel, as defined under Pa.R.Crim.P. 576.1(D).

G. On March 9, 2022, all attorneys shall be required to file criminal legal papers electronically through PACFile in the 51st Judicial District, subject to the provisions in this Rule.

Rule 590. Pleas and Plea Agreements.

A. The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator on a day(s) which shall be designated as "Plea Day" or “DUI Court” on the Court Calendar. The day(s) selected shall be at least ten (10) days before the respective trial term.

B. If a party desires to continue a regularly scheduled Plea Day or DUI Court Day, the request shall be made by written motion setting forth good cause for the request and shall be filed at least one week prior to the scheduled Court appearance.

C. Requests for continuances should normally not be made on Plea Day or DUI Court Day except under unforeseen or extraordinary circumstances. If, after the conclusion of Plea Day or DUI Court Day, either party becomes aware of circumstances justifying a continuance, a request should be filed with the Court and all parties in writing prior to close of business on the Wednesday preceding criminal trial week. The motion shall set forth whether the other parties concur with or oppose the relief requested.

D(1). All defendants and all attorneys representing defendants on a respective Plea Day or DUI Court Day must attend unless:

a. the case has previously been resolved through plea or other disposition; or

b. a motion for a continuance has been previously presented and granted; or

c. the defendant and/or counsel and the District Attorney's Office have agreed that the defendant and/or counsel may be excused from the call of the list.

D(2). Failure of the defendant to appear may result in the imposition of sanctions by the

Court including the issuance of a bench warrant and revocation of bail bond. Failure of counsel to appear may result in the imposition of sanctions, including the imposition of attorney fees against counsel.

E. No later than two weeks prior to the start of the trial term, Court Administration shall prepare and provide to the Court a preview list of all cases scheduled for the upcoming trial term. The Court shall set the trial schedule, taking into account Pa.R.Crim.P 600. Any case that cannot be heard due to unavailability of trial days during a trial term shall be continued by the Court to the following trial term for disposition. Such cases shall receive priority in scheduling during the following trial term. Court Administration shall release a list to the public of all cases scheduled for the trial term upon notification by the Court.

F. If a defendant is represented by counsel and desires to tender a guilty or nolo contendere plea, a Guilty/Nolo Contendere Plea Colloquy substantially in the form set forth in Rule 590.1 shall be completed. The Colloquy shall be executed by the defendant and defendant's counsel and filed with the Clerk of Courts prior to entry of the plea.

G. When the parties have arrived at a plea agreement, they shall state on the record in open Court and in the presence of the Defendant, the terms of the agreement. The agreement will be confirmed in writing substantially in the form set forth in Rule 590.2 and presented to the Court prior to the entry of any plea. At a minimum, the written agreement must contain ALL terms of the agreement and must be executed by the Commonwealth, the Defendant and Defendant's counsel, if any. Nothing in this Rule will prevent the Judge from ordering for good cause shown and with the consent of all parties and counsel, that specific conditions in the agreement be placed on the record in camera and the record sealed.

Comment: Orderly scheduling of jury trials and regard for the convenience of jurors shall be important factors in determining the interests of justice under Pa. R. Crim. P. 106. In order that a trial schedule may be prepared and announced in accordance with this Rule, requests for continuance ordinarily should be made by written motion no later than immediately after the trial list is announced for that particular term. In those instances where witness unavailability or other unforeseeable need arises requiring a continuance subsequent to the call of the trial list, a request for continuance should be made prior to the close of business on the Wednesday preceding the criminal trial term.

Although motions for continuance will obviously be governed by the state rule, the local rule is intended to express Court policy that a definite trial schedule published in advance of trial will reduce inconvenience to the Court, the parties, witnesses and jurors. Timeliness measured from promulgation of the trial list is an important consideration in the decision to grant or deny a continuance request. It is expected that all counsel will act with reasonable diligence and promptness in determining whether a case is ready for trial and that counsel shall be in a position to make that determination, at the latest, on the Wednesday prior to trial.

It is noted that the Court calendar will generally schedule at least two (2) plea days and two (2) DUI Court days prior to each criminal trial term. The intent of this rule is that each plea or DUI Court day shall be a separate and distinct day concerning applicability of the time limits of this rule and continuances from one plea day to another to avoid the intent of this rule will generally not be granted by the Court except as the interests of justice otherwise require.

Rule 590.1. Form of Plea Colloquy.

Written Plea Colloquies required by Rule 590 shall substantially be in the form as provided by the Court, located at:

https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter

Rule 590.2. Form of Plea Agreements.

Written Plea Agreements required by Rule 590 shall substantially be in the forms provided by the Court, located at:

https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter

Rule 625. Juror Qualification Form

A. Court Administration shall devise a juror qualification form limited to questions sufficient to determine a person's qualification to serve as a juror as required by 42 Pa.C.S.A. §4521(d)(1). The juror qualification form shall be in a format that substantially allows for responses to the following questions:

   1. Are you a resident of Adams County?
   2. Are you a citizen of the Commonwealth of Pennsylvania?
   3. Can you read, write and understand the English language?
   4. Have you been convicted of a crime punishable by imprisonment for more than one year and not granted a pardon or amnesty?
   5. Are you incapable, by reason of mental or physical infirmity, to render efficient jury service?
   6. Are you 18 years of age or older?

B. The juror qualification form shall include a signature line for which the person completing the form declares under penalty of perjury that the responses to the questions on the form are true to the best of the person's knowledge.

C. The questions outlined in this Rule and the responses contained therein from prospective jurors shall constitute in whole a completed juror qualification form, and only this form

shall be made available to the attorney for the Commonwealth or the defendant's attorney for review or copying, upon request, as permitted by Pa.R.Crim.P. 625(A)(1)(d).

Rule 700.1. Sentencing by any Judge.

In addition to the judge who received the defendant's plea of guilty or of nolo contendere, any judge may sentence that defendant if the defendant was notified of that possibility at the time the plea was entered.

Rule 704. Post-sentence Rights.

At the time of sentencing, the Defendant shall provide the Court with an executed Statement of Post-sentence Rights that shall substantially be in the form as provided by the Court, located at https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter. The Court shall make the Statement of Post-sentence Rights part of the record and shall determine on the record that the Defendant has been advised of post-sentence rights.

Rule 705. Rehabilitative Programs.

The Chief Probation Officer shall submit a list of rehabilitative, treatment or therapy programs their respective offices propose to use as part of probation with restrictive conditions, probation or parole to the President Judge, who may, after consulting with other judges of this court, approve the list either in whole or in part. Additions or deletions from the list may be proposed from time to time. Lists or amendments to the lists shall be filed with the Clerk, along with the administrative order of approval. Approval of a specific agency shall serve to approve all therapists, counselors, psychologists and psychiatrist associated and in good standing with that agency.

Rule 708.1. Violation of Probation, Probation with Restrictive Conditions, or Parole.

Unless otherwise specifically noted, procedures established by this Rule shall apply to violations of probation, probation with restrictive conditions, and/or parole, regardless of which particular form of supervision is involved.

A. *Gagnon I Hearing Master*: The President Judge shall appoint an attorney authorized to practice before the Court to conduct Gagnon I hearings.

B. *Gagnon I Hearings*: Court Administration shall create and distribute an annual calendar for which there shall be monthly Gagnon I Hearings. Defendants not in custody shall be scheduled by Court order at least three (3) weeks in advance of the hearing date. When a defendant has been committed to Adams County Adult Correctional Complex because of a violation, and no other detainers require commitment, hearings may be more promptly scheduled. The master shall promptly file with the Court preliminary findings and recommendations.

C. *Gagnon II Hearings*: Gagnon II hearings shall be conducted on Revocation Day and normally scheduled by Court order at least three (3) weeks in advance. As in the case

of Gagnon I hearings, hearings may be more promptly scheduled when a defendant is incarcerated.

D. *Failure to appear*: A judge may order that a bench warrant issue for the arrest of any defendant who fails to appear at a hearing. Any person so arrested shall be produced before a judge within 72 hours after being placed in the Adams County Adult Correctional Complex. The judge shall explain the reasons defendant is being held, the right to counsel and to hearing(s) on the charges and the possible consequences of being found in violation.

1. Normally, when defendant has been arrested for failure to appear at a Gagnon I hearing, appearance before a judge shall suffice and be in lieu of that hearing. However, a Gagnon I hearing may be scheduled at defendant's request.

2. Defendant may admit some or all of the alleged violations, but shall be under no obligation to deny them.
3. If bail is set, it shall be conditioned on the defendant appearing at the next regularly scheduled Gagnon I or Gagnon II hearing date that follows arrest as ordered.

Comment: Although scheduling pursuant to this local rule is intended to reflect a balance between the necessity to prepare for hearings and defendant's interest in prompt disposition of charges, considerations of reasonableness may dictate either earlier or later hearings. Nothing in these rules shall preclude requests for special scheduling.

E. *Commencement of proceedings*: Revocation proceedings may be commenced by petition and rule to show cause or by arrest. When commenced by arrest, defendant shall be produced before a judge without unnecessary delay. If possible, defendant shall be produced within 72 hours of placement at Adams County Prison.

[Pa.B. Doc. No. 24-975. Filed for public inspection July 12, 2024, 9:00 a.m.][Replacement of entire set of Rules]
[Pa.B. Doc. No. 24-1770. Filed for public inspection December 13, 2024, 9:00 a.m.][Addition of Rule 547]
[Pa.B. Doc. No. 25-603. Filed for public inspection May 9, 2025, 9:00 a.m.][Rule 507]

{current as of June 10, 2025}