

L.R. No. 100 CRIMINAL PROCEDURE SCOPE

These rules supplement the Pennsylvania Rules of Criminal Procedure and are applicable to all criminal proceedings within the 26th Judicial District. In the event of conflict between these rules and the Pennsylvania Rules of Criminal Procedure or any applicable statute, such Rule or statute shall prevail over these rules. These rules are intended to apply in matters where the statute or the Pennsylvania Rules of Criminal Procedure are silent. The numbering of these rules are intended, so far as possible, to relate to the subject matter of relevant Pennsylvania Rules of Criminal Procedure.

L.R. No. 106 CONTINUANCES

A. Requests for continuance in any criminal case shall be as provided by L.R. 216.

L.R. No. 112 BROADCASTING IN THE COURTROOM AND ITS ENVIRONS

A. Montour County. The entire second floor of the Montour County Courthouse is Defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connection with any judicial proceedings.

B. Columbia County. The entire second floor of the Columbia County Courthouse is defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connections with any judicial proceedings.

L.R. No. 576 FILING AND SERVICE BY PARTIES

A. All Petitions, Motions, or other Applications seeking relief from the Court shall be in writing and shall be filed with the Clerk of Court of the respective Court where trial will be or was held. Any such documents requiring immediate attention shall be forwarded directly to the appropriate Court Administrator by the attorney filing such papers.

B. Service shall be the responsibility of the Moving Party, and shall be in accordance with applicable law and other special instructions as directed by the Court.

L.R. No. 122 NOTICE TO DEFENDANTS

At the time of Preliminary Arraignment (in cases where an Arrest Warrant is issued) or at the time a Summons is served upon the defendant (in cases where a Summons is issued) the issuing authority shall give the following Notice to the Defendant:

NOTICE

To protect your legal rights, it is important that you promptly obtain an attorney to represent you at the preliminary hearing and any other proceedings in this case. If you believe

that you cannot afford an attorney, you may qualify for representation by the Public Defender's Office. To apply for representation, you should contact the following as soon as possible: (Name, address and phone number of the appropriate Public Defender's Office to be inserted here.)

L.R. No. 520 BAIL

A. Real Estate. Real Estate shall not be accepted as surety for bail unless accompanied by:

1. A certification by an attorney licensed to practice in this Commonwealth stating the ownership of the real estate so offered and all liens against the same; and
2. An appraisal or opinion letter (at the discretion of the Court or issuing authority) of the real estate made within thirty (30) days of the bail motion by a licensed real estate broker or appraiser; and
3. All record owners of the real estate must execute the appropriate surety documents.

B. Administrative Fee. In all court cases where an amount of bail is set for release, a non-refundable administrative fee of twenty-five dollars (\$25.00) shall be paid to the Clerk of Courts of the respective county where trial will be held. The administrative fee shall be considered as earned at the time of bail undertaking is executed.

C. Discharge. When the conditions of a bail bond have been performed and the defendant has made all required appearances in the case, the Clerk of Court shall return to the person posting bail, unless the bail deposited, less any administrative costs. In the event a Judgment has been entered on any bail bond, upon receiving and Order that the defendant has been discharged from all obligations, the Clerk of Court shall, upon payment of the appropriate administrative, filing and satisfaction fees, mark the Judgment satisfied on the record.

D. Accepting Bail. Between the hours of 4:30 p.m. and 8:00 a.m., Monday through Friday, and on weekends and County Legal Holidays, the Warden of the County Prison, or his designee, shall be authorized to accept bail pursuant to and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The Warden's authority is limited to accepting the bail deposit, delivering the bail and bond to the proper Issuing Authority (Magisterial District Judge) or the County Clerk of Courts, whichever has jurisdiction, and, under the Pennsylvania Rules of Criminal Procedure 525, releasing the defendant upon execution of the bail bond.

L.R. No. 117 COVERAGE; ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS; SETTING AND ACCEPTING BAIL

1. Normal Business Hours.

(a) Magisterial District Judge Offices shall be open for regular business Monday through Friday, excluding County Holidays, during such hours as established by the President Judge, and

as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(b) When during regular business hours the Magisterial District Judge who has jurisdiction over a particular matter is unavailable, authority to act is transferred to other Magisterial District Judges in the 26th Judicial District pursuant to a Special Assignment schedule approved by the President Judge and amended from time to time. This schedule shall govern the appropriate jurisdiction for specific actions, unless the individual Magisterial District Judges specifically transfer that jurisdiction among themselves due to their own unavailability based on work schedule or other related convenience, in which case the Court approves that transferred Magisterial District Judge for authority over a particular action.

2. On Call Magisterial District Judge.

(a) An on-call Magisterial District Judge shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the issuance of warrants, the holding of preliminary arraignments, the setting and accepting of bail, and the issuance of emergency orders under the Protection from Abuse Act.

(b) An on-call Magisterial District Judge shall be on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

3. Search Warrants and Arrest Warrants, and Protections From Abuse Petitions.

An on-call Magisterial District Judge shall be available without unreasonable delay for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 203, and Emergency Protection from Abuse Orders.

4. Preliminary Arraignments.

(a) For Arrests occurring between the hours of 8:00 a.m. and 4:30 p.m., the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(b) For arrests occurring after 4:30 p.m. but before 11:00 p.m., the on-call Magisterial District Judge shall be available without unreasonable delay at his/her office, or at the discretion of the Magisterial District Judge, by video conferencing from the Columbia County Prison or Montour County Prison.

(c) For arrests occurring after 11:00 p.m. but before 8:00 a.m., the arresting agency, including the state police, municipal police, sheriff or constable, is authorized to detain the prisoner at the Columbia County Prison or Montour County Correction Facility until arraignment. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the Preliminary Arraignment.

(d) The arresting agency detaining the Defendant shall provide to the Magisterial District Judge the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, a copy of the Defendants' criminal record, and any recommendation regarding bail for the Defendant, by depositing the documents at the Columbia County Prison or Montour County Prison for use by the Magisterial District Judge.

(e) The Columbia County Prison and Montour Prison are directed to identify a detention area for prisoners so detained.

(f) The Columbia County Prison or Montour County Prison is directed to make available to the Magisterial District Judge appropriate space for video conferencing availability between the hours of 9:00 a.m. and 10:00 a.m. to perform the Preliminary arraignment.

(g) Upon completion of the Preliminary Arraignment, the detention authorized by this rule shall terminate and the person detained shall be processed in accordance with the Order of the Magisterial District Judge at the Preliminary Arraignment.

5. Bench Warrants in Court Cases.

(a) Upon receiving notice from the Magisterial District Court that a bench warrant has been executed or that the Defendant has surrendered, the Court administrator shall schedule a hearing as soon as possible but not later than seventy-two (72) hours after the Defendant has been lodged in the Columbia County Prison or Montour County Prison.

6. Summary Offense Arrest Warrants and Bench Warrants.

(a) Any individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Pa.R.Crim.P. 431 except as set forth hereafter.

(b) In the event the warrant is executed between the hours of 8:00 a.m. and 4:30 p.m. the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(c) For summary warrants executed after 4:30 p.m., the individual executing the arrest warrant shall:

(1) accept a signed guilty plea and the full amount of the fines and costs;

(2) accept a signed not guilty plea and the full amount of collateral; or

(3) allow the defendant to voluntarily appear before the Magisterial District Judge by 9:00 a.m. the next business day, or a bench warrant shall be issued.

(d) For summary bench warrants executed after 4:30 p.m., but before 8:00 a.m., the individual executing the arrest warrant is authorized to detain the prisoner at the Columbia County Prison or Montour County Prison until 9:00 a.m., the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video

conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the bench warrant hearing.