

THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Definitions; CP-23-MD 525-14

[44 Pa.B. 1872]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 3 is rescinded and shall be entirely replaced by Delaware County Local Criminal Rule 103 in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 103. Definitions.

CLERK OF COURTS—As applied to the Court of Common Pleas, the personnel of the Office of Judicial Support who are responsible for the receipt of documents transmitted to the Court by litigants and transmission of notice of orders entered by and process issued under the authority of the Court and who maintain the official criminal case file and list of docket entries and to perform such other duties as required by rule or law.

OFFICE OF JUDICIAL SUPPORT—That office formerly designated and exercising the powers and performing the duties of the Office of Clerk of Courts of Delaware County.

DIRECTOR OF THE OFFICE OF JUDICIAL SUPPORT—The officer exercising the powers and performing the duties previously performed by the Clerk of Courts as specified in Subchapter (c) of Chapter 27 of the Judicial Code, at 1976, July 9, P. L. 586, No. 142, § 2, eff. June 27, 1978, as cited in 42 Pa.C.S. § 2701, et seq.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-642. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Continuances—Motions; CP-23-MD 525-14

[44 Pa.B. 1872]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 301(d) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 106(D)(1) Continuances—Motions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 106(D)(1).Continuances—Motions.

All motions for continuance must be presented personally to the assigned trial judge prior to trial, or at the time of trial to the assigned trial judge, by the moving party on a form (provided by the court) which is used for the purpose of a continuance. Opposing counsel shall be notified prior to the filing of any motion for continuance.

The Office of Judicial Support will ensure that the information on the continuance form is immediately and accurately recorded on the Clerk's Certificate and that the court's copy of the application is filed permanently with the record papers.

The required forms are available from the Office of Judicial Support and shall be in the form as approved from time to time by the court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-640. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Orders and Court Notices—Service; CP-23-MD 525-14

[44 Pa.B. 1874]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 114 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 114(B)(4) Orders and Court Notices—Service in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 114(B)(4).Orders and Court Orders—Service.

Orders and court notices may be served by the Office of Judicial Support, the Court Administrator's Office, or the Court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-650. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Monetary Bail Acceptance at Correctional Facility; No. 05-0193

[36 Pa.B. 4604]

[Saturday, August 19, 2006]

Order

And Now, this 26th of July, 2006, it is hereby *Ordered* and *Decreed* that the enclosed Local Rule 117 is effective thirty (30) days from date of publication in the PA Bulletin:

1. Magisterial District Judges shall provide continuous coverage for issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and for the acceptance of deposits of bail.
2. Magisterial District Judges shall also provide coverage to conduct preliminary arraignments, conduct summary trials or set collateral in summary cases following arrests with a warrant issued pursuant to Pa.R.Crim.P. 430(A), set bail whenever an out-of-county warrant of arrest is executed within the Judicial District, accept complaints and provide such other services as may be required by Pa.R.Crim.P. 117(A) (2) (a), (b), (c) and (d).
3. In Order to provide after hours coverage for the services set forth in paragraphs 1 and 2, Magisterial District Judges shall rotate evenings, weekends, and holidays according to the provisions of the previous Orders of this Court establishing the Duty Groups within the Judicial District.
4. The Duty Magisterial District Judge shall provide after hours coverage in accordance with the long-standing hearing schedules set forth in the previous Orders of this Court establishing the Duty Groups within this Judicial District.
5. The Duty Magisterial District Judge shall be continuously available during his or her regular after hours coverage for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and to accept deposits of bail as further provided for in paragraph 8 of this Order.
6. In the event a Magisterial District Judge is needed for the issuance of a search or arrest warrant or other emergency matter when the Court is not scheduled for after hours coverage, the Duty Magisterial District Judge will be contacted as provided for in paragraph 7 of this Order.
7. The Duty Magisterial District Judge shall be contacted by either the Delaware County Emergency Services Center (911), the local law enforcement agency or the Pennsylvania State Constable when it becomes necessary to hold a preliminary

arraignment or summary trial, issue a search warrant or warrant of arrest, set or accept bail or provide the other services set forth in paragraphs 1 and 2 of this Order.

8. All Magisterial District Court offices shall be open for normal business on Monday through Friday between the hours of 8:30 A.M. to 4:30 P.M. except that Magisterial District Court 32-2-40 shall be open between the hours of 2:00 P.M. and 10:00 P.M. on Monday through Thursday and between the hours of 11:00 A.M. and 7:00 P.M. on Friday for the purpose of conducting normal business and to act as the "Duty Court" for the Folcroft Duty Group on Monday through Thursday.

9. Monetary bail may be accepted by the issuing authority between the hours of 8:30 A.M. and 4:30 P.M. on Monday through Friday, by the Duty Magisterial District Judge during his or her regular after hours coverage, and by the Warden of the George Hill Correctional Facility (or his designee) between the hours of 8:00 P.M. and 8:30 A.M. daily. If the issuing authority is unavailable to accept deposits of bail to illness, vacation, or continuing education, the Magisterial District Judge covering for the issuing authority may accept the bail.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 06-1600. Filed for public inspection August 18, 2006, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Attorneys—Appearance at or Before Arraignment Court; CP-23-MD 525-14

[44 Pa.B. 1872]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 302(c) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 120(A)(5) Attorneys—Appearance at or before Arraignment Court in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 120(A)(5). Appearance at or before Arraignment Court.

An appearance slip shall be furnished by the Court, which shall be in triplicate and in the form as shall be provided from time to time.

It shall be the responsibility of defense attorney to enter an appearance at or before Arraignment Court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-639. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Bail Conditions; No. MD-29-2016

[46 Pa.B. 2549]

[Saturday, May 21, 2016]

And Now, this 3rd day of May, 2016, It is hereby Ordered and Decreed that the existing Rule 303(i) is amended and shall be entirely replaced by New Rule 303(i) in accordance with the following language effective 30 days after publication in the *Pennsylvania Bulletin*.

New Rule 303(i). Failure to Appear.

(1) *Rule *303(i). Failure to Appear.* Upon failure of the defendant to appear at arraignment or pre-trial conference scheduled in accordance with Local Rule of Court, defendant's bail shall be revoked and a bench warrant shall be issued.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-858. Filed for public inspection May 20, 2016, 9:00 a.m.]

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THE COURTS

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Local Criminal Rules; Accelerated Rehabilitative Disposition—Conditions of the Program; CP-23-MD 525-14

[44 Pa.B. 1868]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 175(a) is rescinded and shall be renumbered as Delaware County Local Criminal Rule 316(c) Accelerated Rehabilitative Disposition—Conditions of the Program in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 316(c). Accelerated Rehabilitative Disposition— Conditions of the Program.

(c) All candidates must complete the fingerprinting process within thirty (30) days after his/her case is held for the Court of Common Pleas. Failure to complete the fingerprinting process within this time period will render the applicant ineligible for participation in the program. At the arraignment of a case for which an application for the Accelerated Rehabilitative Disposition (ARD) program has been filed, the case shall be assigned to a judge and scheduled for a 180-day pre-trial conference date, provided that, (1) defendant has been represented by counsel and (2) defendant, through counsel, has executed a waiver of Rule 600, the Speedy Trial Rule, for said 180-day period. Where defendant has not been represented by counsel at arraignment, a "return with counsel" date shall be set for defendant.

Comment: See Accelerated Rehabilitative Disposition Administrative Guidelines and Program requirements published from time to time as needed by the District Attorney's Office

By the Court

CHAD F. KENNEY,
President Judge

ACCELERATED REHABILITATIVE DISPOSITION PROGRAM ADMINISTRATIVE GUIDELINES

Explanation of the Program:

The primary purpose of the Accelerated Rehabilitative Disposition (ARD) Program is to promptly dispose of charges and to eliminate the need for costly and time-consuming trials and other court proceedings. This program is available to certain carefully screened defendants. It is designed primarily for first-time offenders who lend themselves to treatment and rehabilitation and who are unlikely to commit another crime. The District Attorney's Office of Delaware County, upon application of a defendant, may request the Court of Common Pleas of Delaware County to accept a case for placement in the Program.

A defendant may be considered for participation in the ARD Program if the defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime. Prior to the District Attorney's request for admission into the program, the police officer involved with the case will have an opportunity to offer comments on whether the defendant should be considered for the program. The victim of the crime will also have the opportunity to offer comments to the District Attorney. This opportunity will include the submission of a written victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The District Attorney's Office may also determine that there are other circumstances concerning the case or the defendant which disqualify the defendant from participation in the ARD Program. There is no right to participate in the ARD Program. Eligibility is determined on a case-by-case basis and is solely within the discretion of the District Attorney.

Acceptance into and satisfactory completion of the ARD Program offers the defendant an opportunity to earn a dismissal and potentially a purging of the offense from his/her criminal history. This procedure must be initiated by the defendant after the defendant's successful completion of the ARD Program and does not automatically occur merely upon a defendant's placement into, and successful completion of, the Program. Failure to satisfactorily complete the Program will result in removal from the Program and prosecution of the pending charges.

REQUIREMENTS FOR ALL ARD CANDIDATES

THE APPLICANT MUST HAVE AN ATTORNEY

No application for admission to the ARD Program will be considered unless the defendant is represented by an attorney. This is required in order to assure that the applicant's rights are protected. If the applicant is without adequate financial resources to retain an attorney, the applicant should immediately contact the Office of the Public Defender of Delaware County at (610) 891-4100.

THE APPLICANT MUST WAIVE ARRAIGNMENT

In order to be considered for admission into the ARD Program, the applicant and the attorney must complete the Entry of Appearance and Waiver of Arraignment Form, except for the Common Pleas Transcript Number. The Magisterial District Judge docket number and Common Pleas arraignment date are stated on the Subpoena for Arraignment form which is received from the District Court. THE ENTRY OF APPEARANCE AND WAIVER OF ARRAIGNMENT FORM, ARD RULE 600 WAIVER FORM AND THE ARD APPLICATION FORM MAY BE COMPLETED AND DOWNLOADED FROM THE DELAWARE COUNTY COURT OF COMMON PLEAS WEB SITE OR PROVIDED TO YOU BY THE MAGISTERIAL DISTRICT JUDGE.

THE APPLICANT MUST BE FINGERPRINTED

The name of the fingerprinting agency and the date the applicant was fingerprinted must be stated on the Entry of Appearance and Waiver of Arraignment Form. If the applicant has not been

fingerprinted, s/he must be fingerprinted by the arresting agency. The applicant must take a copy of the Criminal Complaint in order to be fingerprinted.

CONDITIONS OF THE PROGRAM

The length of participation in the Program may not exceed two years. Failure to comply with any requirement imposed shall result in immediate removal from the Program and the case shall proceed to trial. An important part of the ARD Program is the requirement that a defendant perform community service. The number of hours of community service will be determined by the District Attorney's Office. Additional conditions may be imposed before acceptance into the Program, including but not limited to, restitution. You must pay all restitution deemed appropriate to your case by the District Attorney's Office or you will be removed from the Program.

COSTS FOR ALL ARD CANDIDATES

The defendant must be prepared to pay the costs of the Program on the day of the ARD hearing unless there has been an agreement to the contrary with the District Attorney's Office prior to the hearing date.

The costs of the program alone are APPROXIMATELY \$1200.00 for Non-DUI cases and APPROXIMATELY \$1400.00 for DUI cases. In addition, state law mandates payment of a monthly probation supervisory fee. This charge must be paid over the period of supervision, however, it may be paid in full on the day of the ARD hearing. By Order of Court, payment must be by cash, money order, Mastercard, Visa or MAC.

REQUIREMENTS FOR ALL ARD APPLICANTS:

—WAIVE FORMAL ARRAIGNMENT

14 DAYS BEFORE THE SCHEDULED ARRAIGNMENT THE APPLICANT MUST SUBMIT:

- (1) Attorney's Entry of Appearance and Waiver of Arraignment Form
- (2) ARD Rule 600 Waiver Form
- (3) ARD Application

TO: DELAWARE COUNTY COURT ADMINISTRATOR
COURT HOUSE, MEDIA, PA 19063
(610) 891-4550

—ACCEPT A DELAYED PRE-TRIAL CONFERENCE DATE THAT WILL BE APPROXIMATELY SIX (6) MONTHS AFTER THE FORMAL ARRAIGNMENT DATE

—WAIVE RULE 600 AND SPEEDY TRIAL RIGHTS FROM THE DATE OF FORMAL ARRAIGNMENT THROUGH THE PRE-TRIAL CONFERENCE DATE

MINIMUM DISPOSITIONS FOR DUI APPLICANTS INCLUDE BUT ARE NOT LIMITED TO:

TIER I: BAC 0.08%—0.99%: 12 months probation, 16 hours Community Service work, no license suspension

TIER II: BAC 0.10%—0.159%: 12 months probation, 32 hours Community Service work, 30-day license suspension

TIER III: BAC OVER 0.16%,: drugs, accident with bodily injury or refusal: 12 months probation, 64 hours Community Service work, 60-day license suspension

MINOR (UNDER 21 YEARS OF AGE AT THE TIME OF THE OFFENSE): 12 months probation, Tier-appropriate community service hours, 90 days license suspension

THE FOLLOWING REDUCTION IN COMMUNITY SERVICE HOURS MAY BE AVAILABLE ONLY FOR DUI CASES COMMITTED ON OR AFTER FEBRUARY 1, 2004 IF ALL ADDITIONAL REQUIREMENTS ARE COMPLETED WITHIN SIXTY (60) DAYS AFTER THE WAIVER OF THE PRELIMINARY HEARING:

TIER I: Possible reduction from sixteen (16) hours to eight (8) hours

TIER II or Minor: Possible reduction from thirty-two (32) hours to sixteen (16) hours

TIER III: Possible reduction from sixty-four (64) hours to thirty-two (32) hours

ADDITIONAL REQUIREMENTS FOR REDUCTION IN COMMUNITY SERVICE:

- A. Waive Preliminary Hearing; AND
- B. Undergo CRN Evaluation [schedule by calling (610) 891-4571]; AND
- C. Complete the required community service hours [schedule by calling (610) 891-5317]; AND
- D. Complete Alcohol Safe Driving Classes [schedule by calling (610) 237-8630]; AND
- E. Schedule a Drug and Alcohol Evaluation, if required [schedule by calling (610) 891-4571].

John J. Whelan
District Attorney
Delaware County

[Pa.B. Doc. No. 14-631. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions; CP-23-MD 525-14

[44 Pa.B. 1870]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 175(c) is rescinded and shall be renumbered as Delaware County Local Criminal Rule 317(1) Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 317(1). Accelerated Rehabilitative Disposition—Procedure Upon Refusal to Accept the Conditions.

(1) *Notice*: If the District Attorney does not recommend a defendant for Accelerated Rehabilitative Disposition, the District Attorney shall notify defendant and his/her attorney, in writing, of that decision. Written notice of the decision shall also be sent to the trial judge. Upon the judge's receipt of such notice, the judge shall schedule a pre-trial conference to be held approximately 30 days from the date of the notice. Notice of the pre-trial conference date shall be sent by regular mail from the court to the defendant, defendant's counsel, the District Attorney and the Court Administrator. The defendant and his/her attorney must appear at said pre-trial conference.

In the event the defendant fails to appear at the pre-trial conference, a bench warrant will be issued and bail will be revoked.

Any prior order or rule issued by this court inconsistent with the rule herein adopted and the same is hereby repealed.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-632. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Copy of Notice of Appeal—Summary Cases; CP-23-MD 525-14

[44 Pa.B. 1872]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 86(h) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(C)(1) Copy of Notice of Appeal—Summary Cases in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(C)(1).Copy of Notice of Appeal— Municipal Ordinance.

In summary cases involving violation of municipal ordinances, a copy of the notice of appeal shall also be served within five (5) days after filing by the designated court officer upon the Solicitor of the municipality involved.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-641. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Listing Appeal for Hearing—Municipal Ordinance; CP-23-MD 525-14

[44 Pa.B. 1874]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 86(i) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(G) Listing Appeal for Hearing—Municipal Ordinance in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(G). Listing Appeal for Hearing—Municipal Ordinance.

Upon the perfecting of defendant's appeal by filing a notice of appeal within thirty (30) days of the conviction, the Court Administrator will list the case for a hearing at the next appropriate date designated after the Magisterial District Judge files a transcript in the Office of Judicial Support. A hearing on appeals from summary judgment shall be held not less than ten (10) days after the transcript of the Magisterial District Judge is filed in the Office of Judicial Support. Notice of hearing on appeal from summary judgment shall be given to all parties by the Office of Judicial Support.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-649. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Preservation of Testimony After Institution of Criminal Proceedings—Place of Deposition; CP-23-MD 525-14

[44 Pa.B. 1876]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 9015(j) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 500(3) Preservation of Testimony after Institution of Criminal Proceedings—Place of Deposition in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 500(3). Preservation of Testimony after Institution of Criminal Proceedings—Place of Deposition.

A deposition pursuant to this rule may be taken at any place agreed to by the parties unless the court for cause shown otherwise orders. In the absence of any agreement, it shall take place at the Delaware County Courthouse.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-657. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Preservation of Testimony by Videotape Recording— Oath; CP-23-MD 525-14

[44 Pa.B. 1876]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(f) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(A)(1) Preservation of Testimony by Videotape Recording—Oath in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(A)(1). Preservation of Testimony by Videotape Recording—Oath.

The Oath shall be administered by a court reporter if present. Otherwise, any attorney present at the deposition, or an officer of the court, is authorized to administer the oath to a witness.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-659. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Preservation of Testimony by Videotape Recording— Objections; CP-23-MD 525-14

[44 Pa.B. 1877]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered and Decreed* that the existing Delaware County Local Criminal Rule 9015(g) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(a) Preservation of Testimony by Videotape Recording—Objections in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(B)(8)(a). Preservation of Testimony by Videotape Recording—Objections.

If objections have been made by any of the parties during the course of depositions, the operator shall note said objection and the objecting parties shall have the appropriate portion of said deposition transcribed within ten (10) days after its recording or within such other period of time as the parties may stipulate and shall submit same to the assigned trial judge for the purpose of obtaining rulings on said objections. For that purpose, the assigned trial judge may view the entire videotape recording, any portion thereof, or listen to an audiotape recording thereof or read the transcript if it is deemed necessary.

In the event that the presence of a judge has been waived by the stipulation of the parties, the judge shall rule on the objections prior to the date set for trial of the action and shall give notice to the parties of his or her rulings and his or her instructions for editing. The editing shall reflect the rulings of the judge and shall remove all reference to the objections. The judge may also permit further depositions of said witnesses. The party taking the depositions shall cause the videotape to be edited in accordance with the instructions of the judge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-660. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Preservation of Testimony by Videotape Recording— Objections at Trial; CP-23-MD 525-14

[44 Pa.B. 1877]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 9015(h) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(b) Preservation of Testimony by Videotape Recording—Objections at Trial in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(B)(8)(b). Preservation of Testimony by Videotape Recording—Objections at Trial.

There shall be no objection at trial unless specifically allowed by the court and the edited videotape may be offered at the trial by either party.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-661. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Preservation of Testimony by Videotape Recording— Directions Not to Answer; CP-23-MD 525-14

[44 Pa.B. 1876]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 9015(i) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 501(B)(8)(c) Preservation of Testimony by Videotape Recording—Directions Not to Answer in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 501(B)(8)(c). Preservation of Testimony by Videotape Recording—Directions Not to Answer.

Under circumstances where the witness is directed by an attorney not to answer a question or line of questions, the attorney asking the questions may, at his or her option, request, where practical, an immediate ruling by a judge or where the obtaining of such a ruling is not practical, may defer that part of the videotape deposition until said ruling may be had. For this purpose, the assigned trial judge may be reached by telephone for ruling. The aforesaid ruling should be immediately reduced to writing or placed on the videotape at the option of the attorneys by a stipulation which sets forth the question, the ruling and the name of a judge and the stipulation should be forthwith filed of record.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-658. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Release of Defendant on Defendant's Own Recognizance or on Bail

[43 Pa.B. 4071]

[Saturday, July 20, 2013]

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4003(c) is rescinded and shall be entirely replaced by New Rule 524(d) in accordance with the following language effective September 1, 2013.

New Rule 524(d). Release of Defendant.

When a prisoner/defendant is to be released on bond, unsecured bail, nominal bail, on his/her own recognizance, or non-monetary conditions, said prisoner/defendant shall be interviewed by a representative of the Bail Agency of Delaware County to determine whether he/she has counsel and to arrange for counsel if the prisoner does not have an attorney. If not interviewed prior to release, the defendant shall report to the Bail Agency within 72 hours of release.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1306. Filed for public inspection July 19, 2013, 9:00 a.m.]

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ORIGINAL

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: CRIMINAL SECTION : **CP-23-MD-0001485-2022**
:
:
Bail Conditions :

PRESIDENT JUDGE ADMINISTRATIVE ORDER

BAIL CONDITIONS AS AMENDED AND PUBLISHED IN THE PENNSYLVANIA BULLETIN ON AUGUST 5TH, 2023.

AND NOW, this 8th day of August 2023, it is hereby **ORDERED & DECREED** that the existing Rule 526 (d) (5) is amended and shall be entirely replaced by New Rule 526 (d) (5) in accordance with the following language effective 20 days after publication.

5. The following fee schedule shall be implemented:
- a) The administrative fee for percentage or cash bail shall be \$25.00 plus 3% of the first \$1,000.00 of bail posted and 2% of any amount above \$1,000.00 of bail posted, not to exceed the amount of the bail.
 - b) An administrative fee of \$75 shall be charged wherever a corporate surety posts a bail piece.
 - c) If the defendant appears and surrenders to the court within 48 hours after a breach of the condition of bail and issuance of a bench warrant, an administrative fee of \$50 may be imposed as a bail reinstatement fee.
 - d) If the defendant appears after 48 hours of a bench warrant, a \$100 administrative fee may be imposed as a bail reinstatement fee.
 - e) The Court of Common Pleas may waive such fee if the defendant can satisfy the court that his appearance or surrender was impossible or with good cause.

Aug-9 11:20

BY THE COURT:


Linda A. Cartisano
President Judge

ORIGINAL

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

In Re: **CRIMINAL SECTION**
Rule 526 (d) (5)

: **CP-23-MD-0001485-2022**
:
:

ADMINISTRATIVE ORDER

BAIL CONDITIONS

AND NOW, this 8th day of August, 2023, the above rule having been published in the Pennsylvania Bulletin on August 5th, 2023, attached hereto, in accordance with Administrative Office of Pennsylvania Courts rules and regulations, it is hereby **ORDERED** and **DECREED** that the above aforementioned rule is hereby in full force and effective as of August 25, 2023.

BY THE COURT:



Linda A. Cartisano
President Judge

Aug 8 PM 2:05
CLERK OF COURT
DELAWARE COUNTY
PENNSYLVANIA

THE COURTS

DELAWARE COUNTY

Bail Conditions; No. MD 29-2016

[46 Pa.B. 1414]

[Saturday, March 19, 2016]

And Now, this 2nd day of March, 2016, It is hereby Ordered and Decreed that the existing Rule 526(d) is amended and shall be entirely replaced by New Rule 526(d) in accordance with the following language effective 30 days after publication.

New Rule 526(d). Bail Conditions.

(1) The person for whom bail has been set or a private third party surety shall, with the approval of the court or Magisterial District Judge, execute the bail bond and deliver to the Office of Judicial Support (O.J.S.) for deposit in an account designated by order of the President Judge of the Court of Common Pleas, Delaware County, a sum of money equal to 10 percent of the bail, but in no event shall such deposit be less than \$75. Corporate sureties are expressly prohibited from posting the deposit for bail set under this section.

(2) When the conditions for the bail bond have been performed and the defendant discharged from all obligations in the case for which bail was set, the Office of Judicial Support shall return to the defendant or surety 60 percent of the amount deposited. The balance to be retained by the court shall be applied as an administrative cost for this program and the sum retained shall not in any case be less than \$100. The monies retained shall be considered as earned at the time the bail is set and a sum equal to 10 percent posted by the defendant or third party surety.

(3) In the event that bail is ordered either increased or decreased at any time during the proceedings, the fee set forth under Rule 526(d)(2) shall be computed on the basis of the last bail set and posted in the case. The phrase "last bail set" is intended to include post-conviction and/or post-sentence bail.

(4) When a defendant has failed to comply with the rules and regulations of the bail bond or any additional conditions of his release, he may be brought before the court to determine if additional bail shall be set in his case.

(5) The following fee schedule shall be implemented:

(a) The administrative fee for percentage bail shall be forty percent (40%).

(b) The cash bail fee shall be four percent (4%) of the first \$1,000. All amounts above \$1,000 shall be two percent (2%).

(c) An administrative fee of \$75 shall be charged whenever a corporate surety posts a bail piece.

(d) If the defendant appears and surrenders to the court within 48 hours after a breach of the condition of bail and issuance of a bench warrant, an administrative fee of \$50 may be imposed as a bail reinstatement fee.

(e) If the defendant appears after 48 hours of a bench warrant, a \$100 administrative fee may be imposed as a bail reinstatement fee.

(f) The Court of Common Pleas may waive such fee if the defendant can satisfy the court that his appearance or surrender was impossible or with good cause.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-451. Filed for public inspection March 18, 2016, 9:00 a.m.]

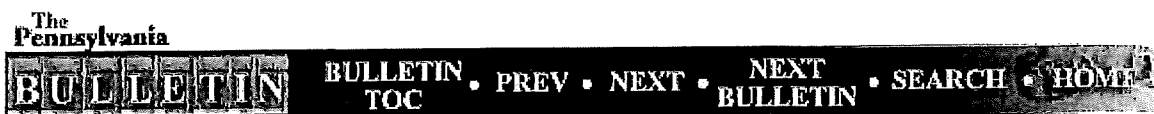
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THE COURTS

DELAWARE COUNTY

Realty as Bail; No. MD 29-2016

[46 Pa.B. 1415]

[Saturday, March 19, 2016]

And Now, this 2nd day of March, 2016, It is hereby Ordered and Decreed that the existing Rule 528(f) is amended and shall be entirely replaced by New Rule 528(f) in accordance with the following language effective 30 days after publication.

New Rule 528(f). Realty as Bail.

1. If realty is offered to satisfy the bail set for an individual defendant, the following must be provided to the Office of Judicial Support (O.J.S.)—the Bail Agency:

a) A written appraisal by a reputable licensed real estate broker in the county in which the property is situated.

b) Proof of entry of the bail bond as a lien in favor of the County of Delaware in the Prothonotary's Office of the county in which the property is situated.

c) If the property is mortgaged, a letter from the mortgage indicating any unpaid balance due.

d) A current lien and judgment search by a reputable title insurance company.

e) Affidavit of justification of surety as provided in paragraph (4).

2. Upon review of the above documents, a determination must be made by the Office of Judicial Support (O.J.S.)—Bail Agency, that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a determination is made that actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

3. A given piece of realty shall only be used as bail if it has not been posted or is not presently being used for bail for any other charges or defendants, unless allowed by court order.

4. If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

- a) Owner's name, address, age and occupation.
- b) A general description of the real estate which is offered as surety.
- c) A statement of the manner in which title is obtained, including the deed or will book reference of the recording of such instrument of title.
- d) A statement for all encumbrances, including taxes, upon said real estate.
- e) A statement of any and all other surety undertakings.
- f) A statement of the assessed market and rental value of the real estate.
- g) A statement that the real estate is not being contemplated or actually negotiated for in any sale.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-453. Filed for public inspection March 18, 2016, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Application for Bail Without Hearing

[43 Pa.B. 4067]

[Saturday, July 20, 2013]

And Now, this 28th day of June, 2013, It is hereby Ordered and Decreed that the existing Rule 4005(d) is rescinded and shall be entirely replaced by New Rule 529(f) in accordance with the following language effective September 1, 2013.

New Rule 529(f). Application for Bail Without Hearing.

An application for fixing or reducing bail, without issuance of writ of habeas corpus or requiring the appearance of Commonwealth witnesses, may be made to the assigned judge of the Court of Common Pleas by petition and order addressed to the court provided:

1. A copy of said petition has been presented to the District Attorney and the Bail Agency; and,
2. The District Attorney has no objection thereto, and so certifies on the original Petition.

When determining whether bail should be allowed, or the amount thereof, only the criminal transcript, the police report, or information supplied by the Delaware County Bail Agency need be considered on the application. Defendant is limited to one application, and neither the defendant, nor any prosecuting witness need personally appear before the court on the petition.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 13-1302. Filed for public inspection July 19, 2013, 9:00 a.m.]

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THE COURTS

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Bail Bonds Posted by Corporate Surety; No. MD 29-2016

[46 Pa.B. 1412]

[Saturday, March 19, 2016]

And Now, this 2nd day of March, 2016, It is hereby Ordered and Decreed that the existing Rule 531(e) is amended and shall be entirely replaced by New Rule 531(e) in accordance with the following language effective 30 days after publication.

New Rule 531(e). Corporate Surety. Pennsylvania Rule of Criminal Procedure 528(D)(5) recognizes the surety bond of a surety company authorized to do business in the Commonwealth of Pennsylvania as an acceptable form of security to satisfy the full amount of the monetary condition of a defendant's release on bail. Rule 531 of the Pennsylvania Rules of Criminal Procedure permits, by local rule of Court, additional requirement to be imposed on surety companies approved by the Court. This Regulation sets forth the additional requirement imposed by this Judicial District on corporate sureties and their agents.

1. *Applicability.* This Regulation applies to any corporate surety and its agents seeking to post a bond in satisfaction of the full amount of the monetary condition of a defendant's release on bail.

2. *Definitions.* For purposes of this Regulation:

A "Corporate Surety" is any corporation, limited liability corporation or partnership which engages in the business of providing bail, providing or soliciting bail undertakings, or providing or soliciting indemnity or court indemnity to others on bail undertakings.

3. *Requirements for Approval.* To become qualified to act as a corporate surety, or agent thereof, with respect to the posting of bail bonds in the Thirty Second Judicial District of Pennsylvania, a corporate surety and its agents must:

a) Present satisfactory proof that the corporate surety is licensed by the Pennsylvania Department of Insurance to do business in the Commonwealth of Pennsylvania, registered with the Department of State, and in full compliance with 42 Pa.C.S. § 5743.1.

b) Every corporate surety shall keep at its office the usual and customary records pertaining to transactions authorized by its license and/or the license of any of its agents, including, but not limited to, such records of bail bonds executed or countersigned by the corporate surety to enable the court to obtain all necessary information concerning such bail bonds for at least 3 years after the liability of the surety has been terminated. Such records must be open at all times to examination,

inspection, and copying by the court or its representative, and the court may at any time require the corporate surety to furnish it, in such manner or form as the court requires, any information concerning the bail bond business of the corporate surety;

c) Certify that neither the corporate surety, nor its employees or agents, have been convicted of any criminal offense. The certification must be based on a criminal history search conducted by the Pennsylvania State Police for each employee or agent, and a copy of the search results must be attached to the list of employees or agents and certification submitted with the petition required by Section 5 of this Regulation. The on-line quick search/background check is not acceptable. Conviction of a corporate surety, or any of its employees or agents, will render the corporate surety ineligible to conduct business in the 32nd Judicial District.

d) Post with the Office of Judicial Support as security the minimum sum of \$50,000 in United States currency or unencumbered securities of the United States Government, which will entitle the corporate surety to post bond in the aggregate sum of \$500,000 or post \$75,000 in US currency or unencumbered securities of the US Government, which will entitle the corporate surety to post bond in the amount of \$1,000,000, and by further posting the sum required for each individual bond or undertaking with the bail authority. Provided, however, that the corporate surety must post additional security with the Office of Judicial Support in the event the corporate surety intends to post bond in excess of \$1,000,000. The additional security to be posted with the Office of Judicial Support must be in units of \$50,000 which will entitle the corporate surety to post bond in the additional sum of \$1,000,000 per unit. No interest will be paid on any deposits;

e) Provide a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by or on behalf of the corporate surety in the Delaware County and in other jurisdictions in which the corporate surety conducts business. A current certified statement must be filed with the petition required in Section 5 of this Regulations;

f) Certify that only the corporate surety, which is approved by the President Judge of the Delaware County Court of Common Pleas, or his designee, upon petition as provided in this Regulation, may post bail for criminal defendant, in the name exactly as it appears on the surety's license, and not in the name of any agent or other business entity;

g) Certify full compliance with the training and education requirements set forth in Section 6 of this Regulation;

h) Upon approval of the petition required in Section 5 of this Regulation, register with Delaware County and pay to the Office of Judicial Support an initial registration fee of \$400 plus any applicable filing fee, or such amount as may be established from time to time by the 32nd Judicial District, and County Council;

i) Certify that neither the corporate surety nor any agent or employee of such surety, will represent itself, directly or indirectly, as an employee or agent of the Commonwealth of Pennsylvania or Delaware County. The employees and agents of the corporate surety must not wear clothing or present badges or any other form of law enforcement credentials that create the impression of employment of the Commonwealth of Pennsylvania, Delaware County or any of its units, including the Pretrial Services Unit or the Warrant Unit of Delaware County;

j) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.

k) Certify that the corporate surety, its agents and employees are in compliance with all applicable laws, regulations, rules of court and procedures and that neither the corporate surety nor any of its agents or employees are under suspension or revocation in any jurisdiction.

4. *Standards of Conduct.* To remain qualified to post bond in Delaware County, the corporate surety and its agents must:

- a) Maintain compliance with the requirements specified in Section 3 of this Regulation;
- b) Provide quarterly statements certified by the corporate surety that it is in compliance with the security posting requirements specified in Section 3 of this regulation;
- c) Provide, on a quarterly basis, or as often as requested by the Common Pleas Court President Judge, or his designee, a financial statement certified by a Certified Public Accountant which verifies that the corporate surety has sufficient assets to satisfy all bail obligations undertaken by the corporate surety and all agents acting on its behalf in Delaware County and in other jurisdictions in which the corporate surety conducts business;
- d) Immediately notify, in writing, the Common Pleas President Judge, or his designee, and the Office of Judicial Support, if the corporate surety, or any of its employees or agents, has been charged with any criminal offense, or if its license or the license of any of its agents has been revoked, suspended or not renewed in the Commonwealth of Pennsylvania or any other jurisdiction;
- e) Certify continued full compliance with the training and education requirements set forth in Section 6 of this Regulation;
- f) Annually renew their registration with Delaware County, provide all certifications required by this Regulation and pay to the Office of Judicial Support an annual renewal registration fee of \$200, on or before the anniversary date of the initial authorization to post bail, or such amount as may be established from time to time by the 32nd Judicial District and County Council.
- g) Each applicant or licensee shall provide to the District Attorney such information as may be required concerning its business practices or business methods, or proposed business practices or methods, as a Corporate Surety. The Solicitor of Delaware County shall also be served with a copy of this information.
- h) Fully comply with all statutes, laws, regulations, rules of court and procedures as may be established from time to time.

5. *Process to be Utilized in Seeking Approval as a Corporate Surety.*

Any corporate surety which is licensed by the Pennsylvania Department of Insurance may seek approval to post bail in Delaware County by filing a petition and paying the filing fee with the Office of Judicial Support. The petition must provide the information, documents and certifications set forth in Section 4 of this Regulation. Upon filing, the petition shall be assigned to the President Judge, or his designee for determination.

6. *Training and Continuing Education.*

To register as a corporate surety desiring to post bail in Delaware County, the corporate surety must certify that all employees and agents who will write any bail on its behalf in Delaware County, not less than thirty (30) hours of education in subjects pertinent to the duties and responsibilities of corporate sureties, including, but not limited to, all laws and regulations relating thereto, the criminal justice system, rights of the accused, bail bond industry ethics, prohibited conduct and apprehension of bail fugitives. Additionally, a corporate surety desiring to post bail in Delaware

County must certify that all employees and agents who will write any bail on its behalf in Delaware County have satisfactorily completed not less than eight (8) hours of continuing education in these subjects during the year preceding any renewal of its registration in Delaware County.

7. *Bail Piece Procedure.* Whenever a bail piece is used pursuant to Pa.R.Crim.P. 536(B)(2) and the defendant is apprehended by or on behalf of the corporate surety or its agents, the defendant must be brought to the George W. Hill Correctional Facility or such other location as designated by a Common Pleas Judge of the 32nd Judicial District after the filing of a petition or presentation of a warrant.

8. *Review and Monitoring.* The District Attorney of Delaware County shall be served with a copy of any petition filed pursuant to this Joint General Court Regulation and shall have the continuing power to investigate the qualification, training, character, and integrity of any Corporate Surety that seeks leave of Court to post bail for criminal defendants as provided in this Regulation, as well as the business practices and business methods of any corporate surety and its Agents who have been approved to post bail as Corporate Surety of as an Agent for the Corporate Surety in Delaware County and may, as appropriate, request, for good cause, denial or revocation of permission to post bail for criminal defendants in Delaware County. The Solicitor of Delaware County shall also be served with a copy of the petition.

Failure to comply with any provision of this rule may result in suspension and the freezing of the surety account.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 16-450. Filed for public inspection March 18, 2016, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Witnesses—Subpoena; CP-23-MD 525-14

[44 Pa.B. 1877]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 144 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 545(c) Witnesses—Subpoena in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 545(c). Witnesses—Subpoena.

The issuance of a subpoena from the Court of Common Pleas through the Office of Judicial Support shall be sufficient for the summoning of witnesses for the Commonwealth or the Defendant in any criminal proceeding before a Magisterial District Judge. Service of the subpoena shall be the responsibility of the party requesting the subpoena and the appearance of the witness.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-664. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Arraignment—Waiver; CP-23-MD 525-14

[44 Pa.B. 1871]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 303(f)(2) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(D)(3) Arraignment—Waiver in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(D)(3).Arraignment—Waiver.

Except where the defendant is charged with the crime of murder, if counsel enters an appearance for the defendant, and counsel and the defendant execute the Entry of Appearance and Waiver of Arraignment form approved by the court, and the same is received by the Court Administrator's Office at least fourteen (14) days before the scheduled arraignment date, neither the defendant nor counsel need appear at arraignment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-638. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Arraignment—Every Defendant Arraigned; CP-23-MD 525-14

[44 Pa.B. 1871]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 303(c) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(E) Arraignment—Every Defendant Arraigned in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(E). Arraignment—Every Defendant Arraigned.

Every Defendant against whom an indictment or information has been filed shall be arraigned before the court or its appointed designee.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-634. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Arraignment—Notice; CP-23-MD 525-14

[44 Pa.B. 1871]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 303(d) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(F) Arraignment—Notice in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(F). Arraignment—Notice.

If held for court, the defendant will receive notice of the date set for arraignment at the conclusion of the preliminary hearing.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-635. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Arraignment—Time; CP-23-MD 525-14

[44 Pa.B. 1871]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 303(e) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(G) Arraignment—Time in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(G). Arraignment—Time.

The defendant may be arraigned at any time up to and including immediately before the trial of the case, provided the defendant is given adequate notice of the charge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-637. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Arraignment—Presence of Defendant; CP-23-MD 525-14

[44 Pa.B. 1871]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 303(f) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 571(H) Arraignment—Presence of Defendant in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 571(H). Arraignment—Presence of Defendant.

Except as provided in Local Rule 571(D)(3), the defendant shall appear at arraignment. In the event the defendant fails to appear, the defendant may be arraigned as a fugitive at the time originally set for arraignment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-636. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Filing and Service by Parties—Omnibus Pretrial Motions; CP-23-MD 525-14

[44 Pa.B. 1873]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 306(b) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 576(B)(5) Filing and Service by Parties—Omnibus Pretrial Motions accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 576(B)(5).Filing and Service by Parties—Omnibus Pretrial Motions.

An original and five (5) copies of such pre-trial motions shall be filed with the Office of Judicial Support. The Office of Judicial Support upon time stamping and docketing said original motion shall timely forward the original and four (4) copies to the Court Administrator, who shall keep a copy pursuant to Pa.R.C.P 576 and forward the original and three (3) copies to the trial judge for service upon the filing party or attorney if represented, and District Attorney.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-646. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Pleas and Plea Agreements; CP-23-MD 525-14

[44 Pa.B. 1874]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 319(d) is rescinded and shall be renumbered as Delaware County Local Criminal Rule 590(D) Pleas and Plea Agreements in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 590(D). Pleas and Plea Agreements.

The approved plea of guilty form (attached hereto) is to be completed by the defense attorney and defendant prior to the entry of the plea of guilty. The defendant is to read or have his attorney read to him each paragraph contained in the guilty plea statement and the defendant is to initial each paragraph after he has fully discussed with his attorney the rights he is waiving in each individual paragraph. The defendant is to sign the guilty plea form in the presence of his attorney after he fully understands and agrees to the terms of the plea.

The defense attorney shall sign the guilty plea agreement certifying to the court that he has fully explained to the defendant the terms of the plea agreement and that the defendant understands what he is doing. The defense attorney shall be prepared to question the defendant during the guilty plea colloquy as to the defendant's understanding of the plea agreement and the rights being waived therein. The defense attorney may read and question from the guilty plea statement if the court so requests. The defendant and his attorney must be prepared to fully state their understanding of any plea agreement at the time the plea is entered.

The guilty plea statement shall be submitted to the court at the time of the plea and shall be made part of the record. The guilty plea statement shall be furnished by the Court as provided from time to time.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-652. Filed for public inspection March 28, 2014, 9:00 a.m.]

THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Examination and Challenge of Trial Jurors—Procedure for Voir Dire Examination; CP-23-MD 525-14

[44 Pa.B. 1873]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1106(f) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 631(F) Examination and Challenge of Trial Jurors—Voir Dire Examination in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Rule 631(F). Examination and Challenge of Trial Jurors—Voir Dire Examination.

The trial judge shall conduct the voir dire examination in each case. Counsel may present special questions to the trial judge before examination for voir dire: a trial judge will rule on special questions, on the record, and out of the hearing of the jury, and will allow those questions found appropriate to be propounded to the jury by the trial judge.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-643. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Examination and Challenges of Trial Jurors—Contact with Jurors; CP-23-MD 525-14

[44 Pa.B. 1873]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1127(a)—(c) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 631(F)(a)—(c) Examination and Challenges of Trial Jurors—Contact with Jurors in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 631(F)(a)—(c). Examination of and Challenges of Trial Jurors—Contact with Jurors.

(a) Before the trial of a case, no attorney, party or witness shall communicate or cause another to communicate with anyone he or she knows to be a member of the venire from which the jury will be selected for the trial of the case.

(b) During the trial of a case, no attorney, party or witness shall communicate with or cause another to communicate with any member of the jury.

(c) After the conclusion of the trial, no attorney, party or witness shall initiate communications with or cause another to initiate communications with any member of the jury without first receiving permission of the court.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-644. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Fines or Costs—Consolidation; CP-23-MD 525-14

[44 Pa.B. 1874]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 219 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 706(e) Fines or Costs—Consolidation in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 706(e). Fines or Costs—Consolidation.

Where separate indictments or informations have been found charging criminal offenses at the same time or growing out of the same transaction, costs will be taxed on only one indictment.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-648. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Post Sentence Procedures—Generally; CP-23-MD 525-14

[44 Pa.B. 1875]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1410 is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(B)(1)(d) Post Sentence Procedures—Generally in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 720(B)(1)(d). Post Sentence Procedures— Generally.

All petitions for parole or modification of sentence shall set forth the history of the case, the name of the sentencing Judge, the date of the sentence and the terms, the date of commitment and the reasons for the application. A notice shall accompany the petition which may be signed by the trial judge who will determine if a hearing is necessary. Said petitions shall be filed with the Office of Judicial Support and copies thereof shall be served promptly upon the District Attorney and other counsel of record, if any. If the defendant is incarcerated, it shall be incumbent upon the District Attorney to make arrangements for the defendant's appearance at the hearing.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-654. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Post Sentence Procedures—Service of Briefs; CP-23-MD 525-14

[44 Pa.B. 1875]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1123(i) is rescinded and shall be entirely replaced and renamed Delaware County Local Criminal Rule 720(B)(2)(b) Post Sentence Procedures—Service of Briefs in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 720(B)(2)(b). Post Sentence Procedures—Service of Briefs.

(b) The moving party shall serve a brief upon the opposing party and trial judge thirty (30) days prior to the date listed for argument; the reply brief shall be served upon opposing party and two copies upon the trial judge ten (10) days before the date listed for argument. Failure to comply may result in dismissal of the motion or other appropriate sanctions.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-655. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Post Sentence Procedures—Transcript; CP-23-MD 525-14

[44 Pa.B. 1876]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1123(h) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(B)(2)(c)(1) Post Sentence Procedures—Transcript in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Rule 720(B)(2)(c)(1). Post Sentence Procedures—Transcript.

Post-verdict motions, shall be served on the trial judge with a proposed order for the transcription of those portions of the notes of testimony, charge of the court, argument and any other portions of the trial, when needed, and reasons therefor in preparing its brief in support of post-verdict or post sentence motions. The moving party shall serve upon the official court reporter and the District Attorney a conformed copy of the trial judge's order for transcription.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-656. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Post Sentence Procedures—Filing of Post-Sentence Motions; CP-23-MD 525-14

[44 Pa.B. 1875]

[Saturday, March 29, 2014]

And Now, this 4th day of March, 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 1123(g) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 720(E) Post Sentence Procedures—Filing of Post-Sentence Motions in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Bulletin*.

Delaware County Local Rule 720(E). Post Sentence Procedures—Filing of Post-Sentence Motions.

Post Sentence motions shall be filed in accordance with Pa.R.Crim.P. 720. Such motions shall be timely filed with the Office of Judicial Support, and copies thereof shall be promptly served upon the trial judge, the attorney for the Commonwealth, and any other counsel of record or upon pro se parties.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-653. Filed for public inspection March 28, 2014, 9:00 a.m.]

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UPDATED LOCAL CRIMINAL RULES

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Filing—Summary Cases; CP-23-MD 525-14

[44 Pa.B. 1873]

[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 86(j) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(A)(1) Filing—Summary Cases in accordance with language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(A)(1).Filing—Summary Cases.

Notice of appeal shall be filed with the Office of Judicial Support.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-647. Filed for public inspection March 28, 2014, 9:00 a.m.]

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THE COURTS

DELAWARE COUNTY

Local Criminal Rules; Prosecution—Municipal Ordinances; CP-23-MD 525-14

[44 Pa.B. 1877]
[Saturday, March 29, 2014]

And Now, this 4th day of March 2014, it is hereby *Ordered* and *Decreed* that the existing Delaware County Local Criminal Rule 86(k) is rescinded and shall be entirely replaced and renamed by Delaware County Local Criminal Rule 460(H) Prosecution—Municipal Ordinances in accordance with the language set forth as follows. Said Rule shall go into effect thirty (30) days after Publication in the *Pennsylvania Law Bulletin*.

Delaware County Local Criminal Rule 460(H). Prosecution—Municipal Ordinances.

In cases involving municipal ordinances, the Solicitor of the municipality involved shall subpoena all witnesses for the prosecution and conduct the hearing on behalf of the prosecution.

By the Court

CHAD F. KENNEY,
President Judge

[Pa.B. Doc. No. 14-663. Filed for public inspection March 28, 2014, 9:00 a.m.]

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COURT OF COMMON PLEAS



DELAWARE COUNTY

THIRTY - SECOND JUDICIAL DISTRICT

COURTHOUSE

MEDIA, DELAWARE COUNTY, PENNSYLVANIA

19063

KEVIN F. KELLY
PRESIDENT JUDGE

JUDGES
GEORGE A. PAGANO
KATHRYNANN W. DURHAM
BARRY C. DOZOR
CHAD F. KENNEY
JAMES P. BRADLEY
MARY ALICE BRENNAN
LINDA A. CARTISANO
SPIROS E. ANGELOS
G. MICHAEL GREEN
NATHANIEL C. NICHOLS
JOHN P. CAPUZZI, SR.
RICHARD M. CAPPELLI
WILLIAM C. MACKRIDES
ANTHONY D. SCANLON
MARGARET J. AMOROSO
DOMINIC F. PILEGGI
JOHN J. WHELAN

SENIOR JUDGES
FRANK T. HAZEL
ANN A. OSBORNE
CHARLES B. BURR, II
MICHAEL F. X. COLL
GREGORY M. MALLON

February 27, 2020

VIA EMAIL

Amanda Bierman
Internal Management
Delaware County Courthouse & Government Center Building
201 West Front Street
Media, PA 19063
BiermanA@co.delaware.pa.us

RE: Delaware County Local Criminal Rule 507

Dear Ms. Bierman,

I have taken the liberty of enclosing a certified copy of the Local Rule which is referenced above, as well as the Administrative Order signed on February 10, 2020 by President Judge Kelly. The State Criminal Procedural Rules Committee has approved this new Rule and we are requesting that said Rule be published at your earliest convenience to the Court website. I have also enclosed a Word version for your convenience.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Thomas A. Musi, Jr., Esquire

TAM/kg
Enclosures

cc: The Honorable Kevin F. Kelly, President Judge (without enclosures)

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: Delaware County Local Rule No. 507 : No. MD 1545-17
: :
Approval of Police Complaints and Arrest : :
Affidavits by the Attorney for the : :
Commonwealth : :

ADMINISTRATIVE ORDER

AND NOW, this 10th day of February, 2020, it is hereby **ORDERED** and **DECREED** that the attached local Rule 507 is **ADOPTED**.

This local Rule 507 **SHALL** become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

Upon publication of the attached local Rule 507 and the same taking effect, the previous local Rule 507A¹ **SHALL** be contemporaneously **RESCINDED**.

By the Court:

KEVIN F. KELLY
President Judge

CERTIFIED A TRUE AND CORRECT
COPY FROM THE RECORD
THIS 26 DAY OF Feb AD 2020
ANGELA MARTINEZ, ESQ., DIRECTOR
OFFICE OF JUDICIAL SUPPORT

Angela Martinez
Clerk

FILED
2020 FEB 26 AM 9:00
OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA.

¹ See Order dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014).

Proposed Local Rule 507

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507 – Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2; and
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a *Deputy District Attorney, Chief Assistant District Attorney or the First Assistant District Attorney* of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth's attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth's attorney shall maintain a record of the written notice.

District Attorney File No. _____

NOTICE AND RECORD OF DISAPPROVAL
COMMONWEALTH OF PENNSYLVANIA

VS.

Occurrence Date: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

Complaint/Affidavit/
Application of: _____

Charge: _____

Police Number: _____

Police Department: _____

Time: _____

Location: _____

CLEAN/NCIC check reveals no outstanding warrants:

Date _____

Source of Information _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

IC=Insufficient Corroboration

UV=Unavailable or Uncooperative Victim

IE=Insufficient Evidence

WC=Witness Credibility Contradicted

II=Identification Inconclusive

ID=Inadequate Description of Persons,

IJ=Interest of Justice

Premises Or Property

IS=Inadmissible Evidence

NS=Insufficient Cause for

IP=Insufficient Probable Cause

Nighttime Search

LJ=Lacks Jurisdiction

LP=Lacks Prosecutorial Merit

UW=Unavailable or Uncooperative Witness

Other: _____

DISAPPROVED BY: _____

Attorney for the Commonwealth

Date: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: Delaware County Local Rule No. 507 : No. MD 1545-17
: :
Approval of Police Complaints and Arrest :
Affidavits by the Attorney for the :
Commonwealth :

ADMINISTRATIVE ORDER

AND NOW, this 9th day of December, 2020, it is hereby **ORDERED** and **DECREED** that the attached local Rule 507 is **ADOPTED**.

This local Rule 507 **SHALL** become effective thirty (30) days after publication of the same in the *Pennsylvania Bulletin*.

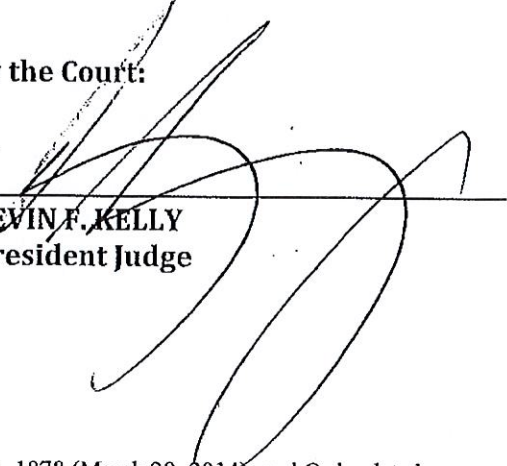
Upon publication of the attached local Rule 507 and the same taking effect, the previous local Rule(s) 507A¹ **SHALL** be contemporaneously **RESCINDED**.

FILED

2020 DEC -9 PM 2:07

OFFICE OF JUDICIAL SUPPORT
DELAWARE COUNTY, PA.

CERTIFIED A TRUE AND CORRECT
COPY FROM THE RECORD
11 DAY OF DEC A.D. 2020
BY J. WALK, ESQUIRE, DIRECTOR
OFFICE OF JUDICIAL SUPPORT
Carolyn Mallee

By the Court:


KEVIN F. KELLY
President Judge

¹ See Orders dated March 4, 2014, No. MD 525-2014, and 44 Pa.B. 1878 (March 29, 2014); and Order dated February 10, 2020, No. MD 1545-17 and 50 Pa.B. 1504 (March 14, 2020).

Proposed Local Rule 507

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits By Attorney For the Commonwealth.

(A) The District Attorney of Delaware County having past filed a certificate pursuant to Pennsylvania Rule of Criminal Procedure 507 – Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth, as defined in the Rules of Criminal Procedure, charging the following criminal offenses:

- Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;
- Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;
- Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;
- Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;
- Causing or aiding suicide in violation of 18 Pa.C.S.A. Section 2505;
- Drug delivery resulting in death in violation of 18 Pa.C.S.A. Section 2506;
- Criminal Homicide of unborn child in violation of 18 Pa.C.S.A. Section 2603;
- Murder in any degree of unborn child in violation of 18 Pa.C.S.A. Section 2604;
- Voluntary Manslaughter of unborn child in violation of 18 Pa.C.S.A. Section 2605;
- Aggravated Assault of unborn child in violation of 18 Pa.C.S.A. Section 2606;
- Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;
- Homicide by Vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735;
- Aggravated Assault by vehicle While Driving Under the Influence in violation of 75 Pa.C.S.A. Section 3735.1;
- Aggravated Assault by Vehicle in violation of 75 Pa.C.S.A. Section 3732.1;
- Rape in violation of 18 Pa.C.S.A. Section 3121;
- Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;
- Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;
- Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;
- Institutional Sexual Assault in violation of 18 Pa.C.S.A. Section 3142.2;
- Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125; and
- Personal Use Marijuana, 35 Pa.C.S.A. Section 780-113(a)(31).

Such police complaints and/or arrest warrant affidavits shall not hereafter be accepted by any judicial officer unless the Complaint and/or Affidavit have the approval of a *Deputy District Attorney, Chief Assistant District Attorney or the First Assistant District Attorney* of the Delaware County District Attorney's Office prior to filing.

(B) Upon disapproval of a police complaint, arrest warrant affidavit and/or both by a reviewing Commonwealth's attorney, the lawyer for the Commonwealth shall furnish to the police officer who prepared the complaint, affidavit, or both a written notice of the disapproval, in substantially the following form, and the Commonwealth's attorney shall maintain a record of the written notice.

District Attorney File No. _____

**NOTICE AND RECORD OF DISAPPROVAL
COMMONWEALTH OF PENNSYLVANIA**

VS.

Occurrence Date: _____

SUMMARY OF FACTS AND PROBABLE CAUSE:

Complaint/Affidavit/
Application of: _____

Charge: _____

Police Number: _____

Police Department: _____

Time: _____

Location: _____

CLEAN/NCIC check reveals no outstanding warrants:

Date _____

Source of Information _____

REASON(S) FOR DISAPPROVAL (Please check appropriate reason)

IC=Insufficient Corroboration

UV=Unavailable or Uncooperative Victim

IE=Insufficient Evidence

WC=Witness Credibility Contradicted

II=Identification Inconclusive

ID=Inadequate Description of Persons,

IJ=Interest of Justice

Premises Or Property

IS=Inadmissible Evidence

NS=Insufficient Cause for

IP=Insufficient Probable Cause

Nighttime Search

LJ=Lacks Jurisdiction

LP=Lacks Prosecutorial Merit

UW=Unavailable or Uncooperative Witness

Other: _____

DISAPPROVED BY: _____

Attorney for the Commonwealth

Date: _____

(C) No defendant shall have the right to any relief of any kind based solely on a violation of this Rule.



IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA-
CRIMINAL COURT DIVISION

IN RE: :
Administrative Order for :
Adoption of Rule 576.1 : MD #1485-2022
Electronic Filing and Service of :
Legal Papers in Delaware County :

CERTIFIED A TRUE AND CORRECT
COPY FROM THE RECORD
THIS DAY OF AUGUST
MARY J. WALK, ESQUIRE, DIRECTOR
OFFICE OF JUDICIAL SUPPORT

ADMINISTRATIVE ORDER

AND NOW this 19th day of August, 2025, it is **HEREBY ORDERED** that Delaware County Local Criminal Rule 576.1 for the Electronic Filing and Service of Legal Papers is **ADOPTED**.

Use of the Delaware County Electronic Filing System **SHALL** commence on Monday, September 15, 2025, at 8:30 AM, as provided by Local Criminal Rule 576.1, unless otherwise ordered by this Court.

The following Local Criminal Rule 576.1 is hereby adopted by this Court as follows:

(A) General Scope and Purpose of the Rule

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Delaware County, the 32nd Judicial District, as of September 15, 2025. The Administrative Office of Pennsylvania Courts and the Judicial District of Delaware County have agreed upon an implementation plan for PACFile in Delaware County.

(B) PACFile

- (1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal at <https://ujportal.pacourts.us/PACFile.aspx>.
- (2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.
- (3) At this time, electronic filing through the PACFile System is voluntary. Any party

who declines to participate in the PACFile electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ('hard-copy') and shall receive legal papers in a physical paper format from the Office of Judicial Support and/or other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(C) Legal Papers

- (1) "Legal papers" are pleadings or other submissions to the court, including motions, answers or other documents, of which filing is required or permitted, including orders, exhibits and attachments, *but excluding*:
 - (a) applications for search warrants;
 - (b) applications for arrest warrants;
 - (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
 - (d) submissions filed *ex parte* as authorized by law;
 - (e) exhibits offered into evidence, whether or not admitted, in a court proceeding;
 - (f) Submissions filed or authorized to be filed under seal;
 - (g) Third party filing of *amicus briefs* or third party filings;
 - (h) Summary appeals consistent with Pa.R.Crim.P. 460;
 - (i) Waiver of a Criminal Arraignment;
 - (j) Filings in any matter assigned a MD docket number including, but not limited to, the following: Petition for Early Assignment, Petition for Juvenile Placement in Adult Facility, Petition for Lineup, Petition for Bail *de novo*, Petition to Revoke or Increase Bail, Petition for Determination of Competency, Petition for Return of Property, Rule 600 Petition, Petition to Decertify, Petition for *Pro Hac Vice*, Motions *in Limine*, Motion to Lift a *Nebbia* Order and/or Motion for Bail Source Hearing; and
 - (k) Filings in any matter assigned a confidential W docket number, including but not limited to, sealed search warrant applications under Pa.R.Crim.P. 211 and/or wiretap act applications as set forth at 18 Pa.C.S. §§5701 *et seq.*

- (2) The applicable rules of criminal procedure, general rules of court, and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.
- (3) Any legal paper submitted for filing to the Office of Judicial Support in a physical paper (or 'hard-copy') format shall be accepted by the Office of Judicial Support in that format and shall be retained by the Office of Judicial Support as may be required by applicable rules of court and record retention policies. The Office of Judicial Support shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1 (C) and this rule.

(D) Filing Fees

- (1) Applicable filing fees shall be paid through procedures established by the Office of Judicial Support and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.
- (2) A party who was granted *in forma pauperis* status shall not pay filing fees to the Office of Judicial Support

(E) Record on Appeal

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(3), shall become the record on appeal.

(F) Confidential Information

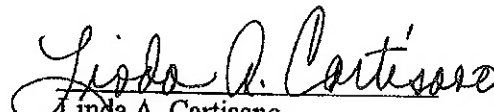
Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania, Delaware County Judicial Administration Rule, Criminal Docket No.: MD-1545-17 and refrain from including Confidential Information in legal papers filed with the Office of Judicial Support or the Court whether filed electronically or in a paper format. As provided in MD-1545-17, any filing containing Confidential Information, not required by applicable authority to appear in the document, shall be redacted and accompanied by a Confidential Information Form (CIF), and only the redacted version will be accessible by the public. Any filing of a Confidential Document shall be accompanied by a Confidential Document Form (CDF), and only the CDF will be accessible by the public.

IT IS ORDERED that this Administrative Order shall be effective on the date of this Order.

IT IS FURTHER ORDERED that in accordance with Pa.R.Crim.P. 105, the Solicitor for Internal Management shall:

- (a) File one (1) certified copy of this Order with the Administrative Office of the Pennsylvania Courts;
- (b) File two (2) certified copies and (1) disk copy of this Order with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin;
- (c) File one (1) certified copy of this Order with Pennsylvania Criminal Procedural Rules Committee;
- (d) File one (1) certified copy of this Order with the Clerk of Judicial Records Criminal Division of the Court of Common Pleas of Delaware County; and
- (e) Forward one (1) copy of this Order for publication in the Delaware County Legal Journal.

BY THE COURT:


Linda A. Cartisano
President Judge

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FILED