

LOCAL RULES OF THE COURT OF COMMON PLEAS
OF SUSQUEHANNA COUNTY
CRIMINAL DIVISION

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CRIMINAL RULE 2. Purpose and Construction.

These rules are intended to provide for the just determination of every criminal proceeding. They shall be construed to secure simplicity in procedure, fairness in administration and elimination of unjustifiable expense and delay as nearly as may be in consonance with the rules of statutory construction.

CRIMINAL RULE 3. Definitions.

Unless the context clearly requires that it be otherwise, the words and phrases used in any of these rules shall be given the same meaning as is given said words and phrases by the Pennsylvania Rules of Criminal Procedure.

CRIMINAL RULE 4. Citing the Criminal Procedural Rules.

All criminal procedural rules adopted by the Court of Common Pleas of Susquehanna County shall be referred to and may be cited as Susquehanna Rules of Criminal Procedure ("Susq.Crim.Rule ____").

CRIMINAL RULE 5. Size of Paper. Filing Legal Papers.

(a) All papers or other documents filed with the Court shall be typed or printed on one side of 8 1/2" X 11" white paper. Margins of 1 inch shall be observed at the top and left-hand side of the sheet and margins of 3/4 inch shall be observed at the bottom and right-hand side of the sheet. Multiple sheets shall be joined with an appropriate binder on the left-hand side.

(b) No court employee, unless otherwise required by law, shall undertake to file or to present papers on behalf of attorneys or parties.

(c) Any filing by an attorney, not heretofore of record in the case, shall contain his or her current official address, telephone number and Pennsylvania attorney identification number.

CRIMINAL RULE 101A. Approval of Police Complaint by Attorney
or the Commonwealth.

The Susquehanna County District Attorney having filed the required certification pursuant to Pa.R.Crim.P. 101A, criminal complaints by police officers charging violations of Crimes Code Section 2501, Criminal Homicide; Section 2502, Murder; Section 2505, Causing or Aiding Suicide; Section 2710, Ethnic Intimidation; Section 2901, Kidnapping; Section 3201, et seq., Abortion Act; or Section 5701, et seq., Wiretapping and Electronic Surveillance Act, shall not be accepted by any judicial officer unless the complaints have the approval of an attorney for the Commonwealth prior to filing.

CRIMINAL RULE 117. Coverage Magisterial District Judges

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 9:00 A.M. to 4:30 P.M. prevailing time.

(2) Magisterial District Judge Offices shall be available twenty-four hours per day, every day of the calendar year to provide continuous coverage for the issuance of search warrants, pursuant to Pa.R.Crim.P. No. 203, arrest warrants pursuant to Pa.R.Crim.P. 513, request to accept bail and emergency orders under the Protection from Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the District Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) The Magisterial District Judges shall be available during the normal business hours for all other business.

(4) This rule shall be effective thirty (30) days after the date of publication in the Pennsylvania Bulletin.

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CRIMINAL RULE 130.1. Release from Custody of Defendant Arrested Without a Warrant.

Pursuant to Pa.R.Crim.P. 130(c), an arresting officer, when he or she deems it appropriate, may promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met;

(1) the most serious offense charged is a misdemeanor of the second degree;

(2) the defendant is a resident of the Commonwealth;

(3) the defendant poses no threat of immediate physical harm to any other person or to himself or herself;

(4) the arresting officer has reasonable grounds to believe that the defendant will appear as required; and

(5) the defendant does not demand to be taken before an issuing authority.

CRIMINAL RULE 140. Preliminary Arraignment.

All preliminary arraignments conducted by a District Justice shall take place in the officially designated court facilities of the District Justice having jurisdiction, unless, for cause shown, the Court of Common Pleas shall authorize that a given arraignment be held elsewhere.

CRIMINAL RULE 300. Motions and Petitions.

Any person filing a motion or petition shall apprise the Court of its contents either by presentation at Motions Court or by service of a copy on the District Court Administrator, whereupon the Court shall, where necessary, fix a time for hearing or argument, or both, and establish a briefing schedule.

CRIMINAL RULE 303. Arraignment.

Following the filing of the information, the defendant shall be arraigned by the attorney for the Commonwealth. The attorney for the Commonwealth shall fix the date and time of arraignment and give notice thereof to the defendant.

CRIMINAL RULE 311. Pre-trial Conference.

The court shall order a pre-trial conference upon motion of either the defendant or the attorney for the Commonwealth, or upon its own motion.

CRIMINAL RULE 319. Pleas and Plea Agreements.

(1) In the event a defendant elects to enter a plea of guilty or nolo contendere, the attorney for the Commonwealth shall notify the court thereof and the court shall fix the date and time at which the plea may be tendered. The attorney for the Commonwealth shall give notice thereof to the defendant.

(2) Except for good cause shown, notification to the court of the existence of a plea

agreement shall be given by the defendant, through counsel, at least three (3) days prior to the date and time set for jury selection.

CRIMINAL RULE 1406. Immediate Parole Upon Serving Minimum D.U.I. Sentence.

A defendant convicted and sentenced to serve a minimum term of imprisonment of not less than forty-eight (48) hours pursuant to Driving Under Influence of Alcohol or Controlled Substance, 75 Pa.C.S. 3731(e)(1)(i) shall be paroled immediately upon serving his minimum sentence; unless otherwise ordered by the Sentencing Court. Susquehanna County Prison is hereby authorized and directed to release any defendant pursuant to this Order without further action or order of Court.

The defendant shall comply with all conditions imposed in the original sentence, including payment of costs, fines and restitution; and shall comply with the following conditions of parole:

- (1) The defendant shall receive a copy of the order.
- (2) The defendant shall report to the Susquehanna County Probation and Parole Department within seventy-two (72) hours of release and to the Probation Officer monthly.
- (3) The defendant shall refrain from consuming alcoholic beverages and illegal drugs.
- (4) The defendant shall participate in such drug and alcohol evaluation counseling, therapy and treatment as ordered by the Court or recommended by the Probation Officer.
- (5) The defendant shall attend and complete the Alcohol Highway Safe Driving School at the Trehab Center, Public Avenue, Montrose, PA, or other Alcohol Highway Safe Driving School and shall pay a tuition fee in the sum of One Hundred Twenty-five (\$125.00) Dollars or such other tuition as approved by the Court and/or Probation Department to defray the cost of the program.
- (6) The defendant shall undergo random urinalysis as directed by the Probation Officer.

CRIMINAL RULE 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

The Clerk of Courts shall list at the first non-jury-trial court held on or after September 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the District Attorney, any private prosecutor and the defendant as provided by Pa.R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

CRIMINAL RULE 2002A. Approval of Search Warrant Applications by Attorney for the Commonwealth.

The Susquehanna County District Attorney having filed the required certification pursuant to Pa.R.Crim.P. 2002A, search warrant applications shall not be accepted by any judicial officer unless the application has the approval of an attorney for the Commonwealth prior to filing.

CRIMINAL RULE 4006(c). Types of Bail.

In addition to those types of bail set forth in Pennsylvania Rules of Criminal Procedure 4006, a sum of money not to exceed ten percent (10%) of the amount of bail set, to be deposited with the Clerk of Courts, shall be accepted as bail, provided a bond in the form set forth in Rule 4014, Pennsylvania Rules of Criminal Procedure is executed.

CRIMINAL RULE 4015. Receipt for Deposit; Return of Deposit.

Upon full and final disposition of a case, the issuing authority or the Clerk of Courts shall return any money deposited as bail less the sum of \$40.00 which shall be retained as costs of administering the cash bail