

**IN THE COURT OF COMMON PLEAS  
FOR THE 30<sup>TH</sup> JUDICIAL DISTRICT OF PENNSYLVANIA**



**CRAWFORD COUNTY RULES OF CRIMINAL PROCEDURE**

*Amended August 6, 2010  
Effective September 21, 2010*

The Honorable, Anthony J. Vardaro, President Judge  
The Honorable John F. Spataro  
The Honorable Mark D. Stevens

**CRAWFORD COUNTY**  
**LOCAL RULES OF CRIMINAL PROCEDURE**

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**Rule 100. SCOPE OF LOCAL RULES.**

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure and are applicable to the Criminal Division of the Court of Common Pleas of Crawford County, Pennsylvania and to the Magisterial District Judge Courts of Crawford County, Pennsylvania to the extent appropriate.

**Rule 101. PURPOSE AND CONSTRUCTION.**

These rules are intended and shall be construed to supplement the Pennsylvania Rules of Criminal Procedure.

**Rule 102. CITING THE CRAWFORD COUNTY PROCEDURAL RULES.**

These rules shall be known as the Crawford County Rules of Criminal Procedure and shall be cited as “Cra.R.Crim.P.”.

**Rule 103. DEFINITIONS.**

The definitions of terms used in these rules shall be the same as those set forth in Pa.R.Crim.P. 103 except:

- (1) “Court” shall mean the Criminal Division of the Court of Common Pleas of Crawford County.
- (2) “Issuing Authority” shall mean a Magisterial District Judge.
- (3) “Rule” shall mean any rule of the Criminal Division of the Court of Common Pleas of Crawford County unless otherwise indicated.
- (4) “Clerk of Courts” shall mean the Clerk of Courts of Crawford County, Pennsylvania.

**Rule 104. DESIGN OF FORMS.**

The design of all forms mandated for use by the Court pursuant to these rules shall be determined by the Court Administrator of Crawford County in consultation with the Court.

**Rule 106. CONTINUANCES.**

- (1) A motion for a continuance of any matter shall state the reason the continuance is requested, whether any previous continuances have been requested, and if so, the dates thereof, the name of the party making any previous motion and the results thereof.
- (2) All motions for a continuance of a jury trial should be made no later than the Call of the Criminal List and shall not be made later than forty-eight hours before the time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).
- (3) All motions for a continuance of a scheduled non-jury trial shall be made at least forty-eight hours before the time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).

**Rule 114. ORDERS AND COURT NOTICES.**

When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney may designate that service upon that attorney in a particular case will be permitted by methods permitted by Pa.R.Crim.P. 114(B)(3) for service of court orders and court notices, and by Pa.R.Crim.P. 576(B)(2) for service of written motions, written answers, notices and documents for which filing is required.

The designation of permitted means of service shall be made in an appearance filed in a form substantially consistent with Form 120 provided with these rules.

**Rule 117. COVERAGE; SETTING AND ACCEPTING BAIL**

**REGULAR BUSINESS HOURS**

All magisterial district judge offices shall be open for regular business Monday through Friday, excluding holidays celebrated by the Court of Common Pleas of Crawford County, from 8:30 a.m. to 4:30 p.m. prevailing local time, to provide the services specified in Rule 117(A) of the Pennsylvania Rules of Criminal Procedure during regular business hours.

**MAGISTERIAL DISTRICT JUDGE TEMPORARY ASSIGNMENTS**

When during regular business hours for magisterial district judges, a judge who has venue over a particular matter is unavailable, any other magisterial district judge in Crawford County is hereby temporarily assigned to serve the magisterial district of the judge who is unavailable. Such an arrangement may be made between respective magisterial district judges by mutual agreement. Any additional compensation for said arrangement will be waived.

**ON-CALL COVERAGE DURING NON-BUSINESS HOURS**

There shall be continuous coverage for all of the magisterial district courts during non-business hours by the on-call magisterial district judge for all of the following:

1. Issuance of search warrants pursuant to Pa.R.Crim.P. 203;
2. Issuance of arrest warrants pursuant to Pa.R.Crim.P. 513; and
3. Issuance of emergency orders under the Protection From Abuse Act (23 Pa.C.S. §§ 6101-6122), the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S. §§ 62A01-62A20), and the Older Adults Protective Services Act (35 P.S. §§ 10225.101-10225.5102).

The “Continuous Coverage” services set forth above shall be provided by the on-call magisterial district judge in the following manner: The on-call magisterial district judge will be promptly notified by Crawford County Emergency Management Office whenever there is a need for any “Continuous Coverage” service. The on-call magisterial district judge will then contact the police officer or other person requesting the services of the on-call magisterial district judge. The Crawford County Emergency Management Office will only notify the on-call magisterial district judge if the request is for one of the enumerated “Continuous Coverage” services.

**OTHER ON-CALL COVERAGE**

The on-call magisterial district judge will also be responsible for performing the services required by Pa.R.Crim.P. 117(A)(2), in the following manner: The on-call magisterial district judge shall call the booking officer at the Crawford County Correctional Facility each morning at 8:00 a.m. to determine whether there is a need to perform any of the services required by Pa.R.Crim.P. 117(A)(2). If such a need has arisen, the on-call magisterial district judge shall appear that day for the performance of those services, without unnecessary delay, either at the office of the on-call magisterial district judge, or (to the extent allowable by Pa.R.Crim.P. 119)

remotely by two-way audio-visual communication if such equipment is available, at the option of the on-call magisterial district judge.

#### ON-CALL MAGISTERIAL DISTRICT JUDGE ASSIGNMENTS

The magisterial district judges shall rotate in performing the services of on-call magisterial district judge on a weekly basis consistent with a schedule established annually by the District Court Administrator with the approval of the President Judge. Modifications of this schedule may occur amongst the respective magisterial district judges by mutual agreement. Any such modification shall be conveyed to the Crawford County Emergency Management Office by the magisterial district judge who will be serving as the on-call magisterial district judge by mutual agreement. Any additional compensation for subsequent modification of an existing schedule shall be waived.

The weekly on-call duty shall begin on Friday at 4:30 p.m. and continue until the following Friday at 8:30 a.m., unless the magisterial district court offices are closed that Friday, in which case on-call duty shall continue that Friday until 4:30 p.m. Should the district court offices be open on a Friday but close earlier than 4:30 p.m., the weekly on-call duty shall begin at the time of closing.

#### OFFICIALS DESIGNATED TO ACCEPT BAIL

Magisterial district judges, the Clerk of Courts, and the Crawford County Correctional Facility shall be authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

**Rule 118. USE OF TWO-WAY SIMULTANEOUS AUDIO-VISUAL COMMUNICATION IN CRIMINAL PROCEEDING.**

A defendant may consent to a proceeding being conducted using two-way simultaneous audio-visual communication by signing a Waiver of Courtroom Appearance, in a form substantially consistent with Form 118 of these rules, prior to or at the time of a two-way simultaneous audio-visual communication.

Additionally, a defendant may consent to a Gagnon II revocation hearing by two-way simultaneous audio-visual communication if, prior to that hearing, the defendant has indicated that intention on a Waiver Of Formal Revocation Hearing form, or an adult probation/parole officer has certified that the defendant has so consented when filing a Motion To Schedule Gagnon II Hearing, provided in either event the required document has been filed of record.

Whenever a defendant consents to a proceeding being conducted using two-way simultaneous audio-visual communication, the Court or Issuing Authority shall conduct a colloquy regarding the defendant's consent when the defendant's constitutional right to be physically present is implicated.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

:  
:  
:  
:  
:

No.:  
OTN No.:

WAIVER OF COURTROOM APPEARANCE

I am aware that I may have a right to appear in a courtroom for a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ that is scheduled for the following purpose(s):

I am willing to waive my appearance in the courtroom for said hearing on that date and consent to said hearing being conducted by two-way simultaneous audio-visual conference between the courtroom in the Crawford County Courthouse and the Crawford County Correctional Facility.

If I have counsel I understand that my counsel will be sitting beside me and that I will have the opportunity to talk to counsel privately with no one else hearing the conversation.

I understand that counsel and I will be sitting in front of a live video camera and that the participants who are assembled in the courtroom can see and hear counsel and me. I further understand participants who appear in the courtroom will be sitting in front of a video camera and that I will see them and be able to hear them.

The Judge will be able to see me and speak to me and I will be able to see and speak to the Judge by monitor.

The courtroom is open to the public and members of the public who are interested in my hearing will be able to see and hear the proceedings in the courtroom and also see and hear my attorney and me through the courtroom monitor.

I understand that by signing this waiver I will not be transferred to the courtroom for this hearing and that the hearing will be done by two-way simultaneous audio-visual conference through the use of a video camera and monitor at both the jail and courtroom.

\_\_\_\_\_  
Defendant

Date: \_\_\_\_\_, 20\_\_\_\_

**Rule 120. ATTORNEYS – APPEARANCES .**

The entry of an appearance by counsel for the defendant as required by Pa.R.Crim.P. 120 shall be done on a form substantially consistent with Form 120 of these rules.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 vs. : No. :  
 : OTN No. :  
 :

ENTRY OF APPEARANCE

AND NOW, \_\_\_\_\_, 20\_\_\_\_, I hereby appear for \_\_\_\_\_,  
the defendant in the above-entitled case.

I hereby permit service of these matters in this case upon me by the following method(s) as indicated by checkmark:

- By facsimile transmission to my fax number\_\_\_\_\_.
- By leaving a copy in my box in the Prothonotary's Office in the courthouse.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Supreme Court I.D. Number

*Note: The State rules covering service are at Pa.R.Crim.P. 114 and 576.*

**Rule 150. BENCH WARRANTS.**

A Bench Warrant Hearing:

- (1) May be held in Common Pleas Court by the Judge who issued the Bench Warrant or any other Common Pleas Judge.
- (2) May be held before the Magisterial District Judge who issued the Bench Warrant or any other Magisterial District Judge within the Thirtieth Judicial District, including but not limited to the on-call Magisterial District Judge.

**Rule 319. DISMISSAL OF CHARGES AFTER SUCCESSFUL COMPLETION OF ARD PROGRAM.**

Upon the successful completion of a defendant's participation in the Accelerated Rehabilitative Disposition Program, the Probation/Parole Department or the defendant may file a Motion requesting that the Court terminate the ARD case and dismiss the defendant's charges.

**Rule 320. EXPUNGEMENT UPON SUCCESSFUL COMPLETION OF ARD PROGRAM.**

When the Court enters an Order pursuant to Rule 319 dismissing charges against the defendant upon successful completion of the ARD Program, the Court shall, in a separate Order, in a form substantially consistent with Form 320 of these rules, also order the expungement of the defendant's arrest record.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA** :  
 :  
 vs. : **No.:**  
 : **OTN No.:**  
 :

**EXPUNGEMENT ORDER**

**AND NOW,** \_\_\_\_\_, **20** \_\_\_\_, **IT IS ORDERED AS FOLLOWS:** Pursuant to the Pennsylvania Rules of Criminal Procedure dealing with Accelerated Rehabilitative Disposition (ARD) (Pa.R.Crim.P. 319, 320) and the Criminal History Record Information Act (18 Pa.C.S.A. § 9101, especially § 9122), an Order has been entered in this case upon the defendant’s successful completion of the ARD program and the Court has ordered the dismissal of the charges against the defendant.

ACCORDINLY, it is Ordered as follows:

1. The defendant’s arrest record shall be expunged pursuant to Pa.R.Crim.P. 320 and the Criminal History Record Information Act.
  
2. The Clerk of Courts shall send a certified copy of this Expungement Order to the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository; and shall maintain the original Motion and Order that was filed in this case under Pa.R.Crim.P. 319, that is dismissal upon successful completion of the program, all as permitted and provided for in 18 Pa.C.S.A. § 9122(c).
  
3. Upon receipt of a certified copy of this Expungement Order, the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository shall:
  - A. Expunge the criminal history record information in this case so as to:
    - (1) Remove the information so that there is no trace or indication that such information existed; and

- (2) Eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes, all pursuant to the Criminal History Record Information Act.
- B. Within thirty (30) days of receipt of the Expungement Order, file with the Clerk of Courts of Crawford County a certification which states that destruction of records has taken place as Ordered.
- C. The Pennsylvania State Police Central Repository shall notify all criminal justice agencies which have received the criminal history record information to be expunged of the Expungement Order as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9122(d).
- D. Not expunge certain records pursuant to the Expungement Order in this case. The records that would not be expunged are those set forth in: 18 Pa.C.S.A. § 9122(c), 18 Pa.C.S.A. § 9104(a), 18 Pa.C.S.A. § 9104, and any record maintained by the Department of Transportation or other entities pursuant to 75 Pa.C.S.A. § 1534(b) relating to Accelerated Rehabilitative Disposition in DUI cases.

**BY THE COURT**

---

**J.**

This expungement order applies to the following and the following information is given pursuant to Pa. R. Crim. P. 722.

Defendant's date of birth:

Defendant's social security number:

The Magisterial District Justice docket number:

The Magisterial District number:

The specific charges, as they appear on the charging document, to be expunged:

The date of arrest:

The criminal justice agency which made the arrest:

The disposition:

The reason for expungement: successful completion of the ARD program.

The criminal justice agencies upon which certified copies of the order shall be served: those agencies are listed in the body of the order.

**Rule 510. NOTICE TO BE SENT WHEN CASE IS INITIATED BY SUMMONS.**

In all cases where a criminal action is commenced by summons, the Issuing Authority shall mail with the summons a notice substantially in the following form, printed on paper other than the color of the paper of the accompanying summons, in order to comply with Pa. R.Crim.P. 510(B)(1):

**IMPORTANT NOTICE**

**RIGHT TO COUNSEL**

You have the absolute right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed to represent you free of charge.

In order to have a lawyer by the time of the preliminary hearing, you should **immediately**:

- (1) Hire a lawyer; or
- (2) If you believe you cannot afford to hire a lawyer, you should **immediately** apply to the Crawford County Public Defender's Office, Crawford County Courthouse, Meadville, Pennsylvania, 16335, (814) 333-7367, where a lawyer may be appointed to represent you free of charge if you qualify.

If you are currently incarcerated and unable to contact the Public Defender's Office, you should **immediately** request an application from the jail officials to apply for the services of a Crawford County Public Defender.

**Rule 528. REQUIREMENTS FOR REAL ESTATE BAIL.**

- (1) If real estate is offered as bail set for a defendant, whether before an Issuing Authority or the Court, the owner of the real estate, to qualify as surety and post real estate as bail, must file a letter from an attorney licensed in Pennsylvania which contains the following:
  - (a) The assessed value and fair market value of the real estate as contained among the assessment records of the county in which the real estate is located or alternatively, a real estate appraisal prepared by a certified Pennsylvania real estate appraiser establishing the fair market value for the real estate.
  - (b) The exact name(s) of the record title holder(s).
  - (c) A list of liens against the real estate together with the amount of the lien of record, the actual current payoff amount of the lien and the date the lien was entered.
  - (d) A list of all unpaid taxes due and owing.
  - (e) A certification that a lien search has been completed and the attorney finds that after subtracting any outstanding liens from the fair market value of the real estate, there remains a sufficient amount of equity to cover the amount of the bond to be posted.
- (2) Upon receiving a letter containing such information, the District Attorney shall promptly review the request. If satisfied that there is adequate equity, the District Attorney shall notify the Clerk of Courts that the real estate bond may be accepted. If the District Attorney does not believe there is sufficient equity or refuses to accept the real estate bond for any reason, the District Attorney shall promptly notify the defendant's counsel so that a hearing may be requested and/or alternate bond may be posted. In all events, the District Attorney's Office shall respond in one of the ways indicated above within one business day of receiving the required letter.

**Rule 540. NOTICE TO BE GIVEN AT PRELIMINARY ARRAIGNMENT.**

In all cases in which a defendant does not appear with an attorney, in addition to the Issuing Authority verbally advising the defendant as set forth in Pa.R.Crim.P. 540(E)(1), the Issuing Authority shall provide to the defendant at the preliminary arraignment a written notice substantially in the form set forth in Crawford County Rule of Criminal Procedure 510, even if the defendant has previously received the same notice pursuant to Crawford County Rule of Criminal Procedure 510.

**Rule 541. NOTICE REQUIRED FOLLOWING WAIVER OF PRELIMINARY HEARING.**

If an Issuing Authority accepts the waiver of preliminary hearing pursuant to Pa.R.Crim.P. 541, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form substantially consistent with that set forth as Form 552 of these rules, so that the defendant is notified of the date and place of the defendant's arraignment, as well as future important dates and places, all in compliance with Rule 552.

**Rule 542. CONTINUANCES OF PRELIMINARY HEARINGS BEFORE MAGISTERIAL DISTRICT JUDGES.**

All Preliminary Hearings shall be initially scheduled before Magisterial District Judges consistent with the requirements of the Pennsylvania Rules of Criminal Procedure.

Thereafter, a Magisterial District Judge may grant a continuance of the Preliminary Hearing upon request of either the Commonwealth or the defendant. However, in order to allow cases to flow as quickly as possible through the system, such continuances shall be limited to the minimum time period necessary and should not result in a Preliminary Hearing being held more than thirty (30) days from the date when the Preliminary Hearing was first scheduled.

**Rule 543. DISPOSITION OF CASE AT PRELIMINARY HEARING.**

If, after completion of the preliminary hearing held pursuant to Pa.R.Crim.P. 543, the Issuing Authority holds the defendant for Court, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form so that the defendant is notified of the date and place of arraignment as well as future important dates and places all in compliance with Rule 552. The Criminal Case Scheduling Form shall be in a form substantially consistent with Form 552 of these rules.

## **Rule 552. LOCAL SCHEDULING PROCEDURES**

- (1) Annually, no later than September 30th, the Court Administrator shall publish a schedule for the succeeding year setting forth the following pertinent dates that affect each criminal case with the appropriate schedule to be set in motion by the date the defendant either waives the preliminary hearing or is bound over following the preliminary hearing:
  - (a) The date of the formal arraignment, which shall be the first available formal arraignment date at least twenty (20) days after the preliminary hearing is held or waived.
  - (b) The date for the Call of the Criminal Trial List, which shall be no sooner than forty-five (45) days after formal arraignment nor less than thirteen (13) days from the date trial is scheduled to commence for the case.
  - (c) The first day of the trial term at which the case is scheduled.
- (2) The Court Administrator shall, immediately after publishing said schedule, provide copies to each of the sitting judges, each sitting Issuing Authority, the District Attorney's Office, the Public Defender's Office, each member of the county criminal defense bar known to the Court Administrator and out-of-county criminal defense counsel known to have been recently practicing in Crawford County. Additionally, copies shall also be available, free of charge, at all times in the Court Administrator's Office, the Crawford County Clerk of Courts Office and shall be promptly posted by the Court Administrator on the Crawford County website at [www.crawfordcountypa.net](http://www.crawfordcountypa.net).
- (3) At the time a defendant is bound over to court or waives a preliminary hearing, each Issuing Authority shall prepare a Criminal Case Scheduling Form with an original and five copies substantially in the form set forth as Form 552.

The Issuing Authority shall orally advise the defendant and counsel of the time, date and place of formal arraignment and that the failure to appear at such formal arraignment or other required appearances as set forth in the Criminal Case Scheduling Form may result in the defendant's arrest and forfeiture of bond.

The Issuing Authority shall require the defendant to sign the Criminal Case Scheduling Form, indicating the defendant is aware of the time, date and place of formal arraignment and of the obligation to appear at formal arraignment and other proceedings noted thereon.

Once the Criminal Case Scheduling Form has been completed, the defendant shall be provided with a copy and the Issuing Authority shall retain a copy for the Issuing Authority's records. If they are present, the Issuing Authority shall provide a copy to the defendant's attorney and/or the District Attorney's Office. All undistributed copies, together with a copy for the Court Administrator, shall be forwarded promptly to the Court Administrator for proper distribution. The original Criminal Case Scheduling Form shall be attached to the official record when it is forwarded to the Clerk of Courts as required by Pa.R.Crim.P. 547.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA** : **Common Pleas No.: CR** \_\_\_\_\_  
 : **MDJ No.: CR** \_\_\_\_\_  
**vs.** : **OTN No.:** \_\_\_\_\_  
 :  **Revised**  
\_\_\_\_\_  
**Defendant**

**CRIMINAL CASE SCHEDULING FORM**

Charges: \_\_\_\_\_ Date Complaint Filed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Defense Counsel Date of Preliminary hearing/waiver

**IMPORTANT NOTICE**

You and your attorney and/or attorney's representative are required to appear for the following proceedings. These dates may not be changed without leave of Court.

1. Formal Arraignment: \_\_\_\_\_ 9:00 a.m.; prevailing local time, in Assembly Room, basement, Crawford County Courthouse, Meadville, Pennsylvania. Formal arraignment may be waived, but ONLY if you have an attorney prior to your formal arraignment date.
2. Criminal Call of List: \_\_\_\_\_ 8:45 a.m., prevailing local time, Courtroom No. 1, Crawford County Courthouse, Meadville, Pennsylvania.

**CAUTION: YOU MUST APPEAR AT THE CALL OF THE CRIMINAL TRIAL LIST. IF YOU FAIL TO APPEAR, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.**

**THE LAST DAY FOR THE COURT TO ACCEPT NEGOTIATED PLEAS (PLEA BARGAINS) IS THE THURSDAY PRIOR TO THE FIRST DAY OF JURY TRIALS. THAT SAME DATE IS THE LAST DAY YOU MAY, WITH THE CONSENT OF THE DISTRICT ATTORNEY'S OFFICE, ASK THE COURT TO ALLOW YOU TO WAIVE YOUR RIGHT TO A JURY TRIAL AND INSTEAD BE TRIED BEFORE A JUDGE.**

3. First day of Jury Trials: \_\_\_\_\_ 8:45 a.m.; prevailing local time; Courtroom No. 1, 2 or 3, Crawford County Courthouse, Meadville, Pennsylvania.

**ANY FAILURE TO APPEAR FOR A SCHEDULED COURT APPEARANCE MAY RESULT IN FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AS WELL AS ADDITIONAL CHARGES OF DEFAULT IN REQUIRED APPEARANCE.**

**You must, within forty-eight (48) hours of any change of address and/or telephone number, notify the Crawford County Clerk of Courts Office (814-333-7442), the Crawford County Court Administrator's Office (814-333-7498), the Crawford County District Attorney's Office (814-333-7455) and your attorney of any change of address and/or telephone number.**

The undersigned hereby acknowledges receipt of a copy of this notice.

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

\_\_\_\_\_  
Signature of Defendant

Original: Clerk of Courts [White]  
Court Administrator [Gold]  
District Attorney [Green]  
Defense Counsel [Yellow]  
Defendant [Pink]  
Issuing Authority [Blue]

\_\_\_\_\_  
Signature of Counsel

\_\_\_\_\_  
Signature of Issuing Authority

**Rule 571. ARRAIGNMENT.**

**(1) Arraignment**

- (a) Arraignments shall take place before the District Attorney or an Assistant District Attorney at such times and places designated by the Court Administrator.
- (b) If at arraignment a defendant wishes to plead not guilty, said plea shall be noted on the information and signed by the defendant. If the defendant wishes to plead guilty or nolo contendere, the defendant shall be given in writing a date to appear before the Court to enter a plea of guilty or nolo contendere. The writing shall also state that if the defendant pleads guilty or nolo contendere, the defendant is not required to appear at the call of the trial list nor any trial date.

**(2) Waiver of Appearance at Arraignment**

- (a) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a Waiver of Appearance at Arraignment Form in the Clerk of Courts Office in a form substantially consistent with Form 571. A copy of the waiver shall be served upon the District Attorney pursuant to Pa.R.Crim.P. 576.

If a written Waiver of Appearance at Arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pretrial motion and requests pursuant to Pa.R.Crim.P. 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 vs. : No. :  
 : OTN No. :  
 :

WAIVER OF APPEARANCE AT ARRAIGNMENT AT COMMON PLEAS COURT LEVEL

I, the undersigned counsel, do hereby appear on the Defendant's behalf and do waive the arraignment provided for in Pa.R.Crim.P. 571.

I, the undersigned Defendant, understand that:

1. The Information containing the charges against me will be filed in the office of the Clerk of Courts and a copy will be mailed to my attorney and to me.

\_\_\_\_\_(Defendant's initials)

2. Any discovery must be concluded 14 days after the date that was scheduled for my arraignment.

\_\_\_\_\_(Defendant's initials)

3. If I so choose, I must file a Request for Bill of Particulars in writing within 7 days after the date that had been scheduled for my arraignment.

\_\_\_\_\_(Defendant's initials)

4. If I intend to offer the defense of alibi, insanity, mental infirmity or intend to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bearing on the issue of guilt or, in a capital case, on the issue of punishment, I must serve a copy of such notice or notices and a certificate of service on the attorney for the Commonwealth within thirty (30) days after the date that was scheduled for my arraignment at the Common Pleas Court level.

\_\_\_\_\_(Defendant's initials)

5. I must file any pretrial motions for relief on or before 30 days after the date that was scheduled for my arraignment.

\_\_\_\_\_(Defendant's initials)

6. If I fail to file any motions for discovery or pretrial relief within the prescribed time limits, it shall be considered a waiver of my right to file such motions.

\_\_\_\_\_(Defendant's initials)

7. I must give the Court notice no later than the scheduled plea time on the day of the call of the criminal trial list (which date has been provided to me on the Criminal Case Scheduling Form I have received) if I desire to have my case tried before a judge without a jury.

\_\_\_\_\_(Defendant's initials)

8. If I want to enter a guilty or nolo contendere (no contest) plea in this case as a result of a plea bargain, I must do so no later than the time set for the Court to take pleas on the day of the call of the criminal trial list.

\_\_\_\_\_(Defendant's initials)

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

\_\_\_\_\_  
Signature of Defendant

Original:	Clerk of Courts	[white]	_____ Signature of Counsel
	Court Administrator	[gold]	
	District Attorney	[green]	
	Defense Counsel	[yellow]	
	Defendant	[pink]	

## **Rule 575. Motions and Motions Court**

(a) There shall be a session of the Court for the optional presentation of motions every Monday, Wednesday, and Friday at 8:45 a.m., except on holidays and other times when no judge is available (“Motions Court”).

(b) Motions intended for consideration by a Motions Court Judge are not required to be filed in the Office of the Clerk of Courts in advance of such presentation. The Clerk of Courts or a designee shall be present at every session of Motions Court to receive such motions for filing. Motions are to be served upon the District Court Administrator concurrently with filing in accordance with Pa.R.Crim.P. 576(b)(1), (3).

(c) Motions presented at Motions Court must comply with Pa.R.Crim.P. 575(A) and (C), such as including the certificate of service required by Pa.R.Crim.P. 576(b)(4). No cover sheet or backer need be attached to the motion. Attaching a proposed order is encouraged, but not required.

(d) If the party presenting a motion at Motions Court, or otherwise filing a written motion, knows that the motion is consented to by the other party or parties, counsel for the moving party shall certify that consent within the motion so that the Court has that information in making a determination pursuant to Pa.R.Crim.P. 577 as to whether an answer and/or hearing and/or argument is necessary.

## Rule 576.1 Electronic Filing and Service of Legal Papers

(a) The Administrative Office of Pennsylvania Courts and the Thirtieth Judicial District have agreed upon an implementation plan for electronic filing, as that term is defined in Pa.R.Crim.P. 576.1(C), in the Thirtieth Judicial District through the statewide system known as PACFile, effective April 4, 2022;

(b) Any party may, *but is not required to* utilize PACFile for filing a legal paper, as that term is defined in Pa.R.Crim.P. 576.1(C), but **not including** initial filings for summary appeals, nor any matter requiring the assignment of a Miscellaneous Docket (MD) number;

(c) Any party who declines to participate in PACFile, or is unable to do so, may file legal papers in a physical paper format, and that party shall be served legal papers in accordance with the procedures provided under Pa.R.Crim.P. 114(B) and 576(B), and not via PACFile;

(d) All filings shall comply with the Public Access Policy of the United Judicial System addressing confidentiality; and

(e) Applicable filing fees shall be paid through procedures established by the Clerk of Courts, at the same time and in the same manner required by statute, court rule, or published fee schedule.

**Rule 579. TIME FOR OMNIBUS PRETRIAL MOTION AND SERVICE.**

Any omnibus pretrial motion not filed within thirty (30) days after arraignment must set forth the reasons why it was not filed timely, unless the late filing has been agreed to by the District Attorney or an Assistant District Attorney or already permitted by previous Order of Court. If the reasons are not stated within the motion, there has been no agreement with the District Attorney and there has been no prior Order of Court allowing the late filing, such motion may be summarily dismissed within the discretion of the Court.

## **Rule 590. PLEAS, PLEA AGREEMENTS, AND PLEA COLLOQUIES**

(a) The Court will be available for the purpose of taking guilty or *nolo contendere* pleas from time to time as designated by the Court Administrator, and at other times pursuant to court order. Plea Court times shall generally include each Thursday afternoon that court is in session, and immediately after the Call of the Criminal Trial List.

(b) Whenever a guilty or *nolo contendere* plea agreement is reached between the parties, a Plea Agreement shall be completed on the form provided by the District Court Administrator. The Plea Agreement shall be signed by the Commonwealth, the defendant, and counsel for the defendant (if any). The Commonwealth shall retain the original and provide a copy to the defendant and to defense counsel (if any) and, at the time of entering the plea, to the presiding judge.

(c) For defendants represented by counsel, guilty and *nolo contendere* pleas are to be entered through the use of a written colloquy substantially in conformity with the written plea colloquy form maintained by the District Court Administrator, available in each courtroom and online at the County website ([www.crawfordcountypa.net](http://www.crawfordcountypa.net)). A judge may, however, excuse the use of a written plea colloquy, or otherwise decide that a written colloquy should not be used.

(d) If the plea is to be entered through the use of a written colloquy, then prior to Plea Court, defense counsel shall review and explain the contents of the written plea colloquy form to the defendant, and both defense counsel and the defendant shall sign the completed form. Defense counsel must be satisfied that the defendant understands all of the questions on the form, has answered them truthfully, and is entering a knowing, voluntary, and intelligent plea. Counsel's signature on the written plea colloquy shall constitute a certification that defense counsel has explained and discussed all of the questions on the form, as well as all of the elements of the offense(s) charged, and that to the best of counsel's knowledge, information, and belief, the defendant understands the consequences of entering the plea.

(e) Those entering pleas through the use of a written plea colloquy will do so at the onset of Plea Court. Defense counsel shall appear with the defendant at the time set for Plea Court, unless advanced communication technology is being utilized with the permission of the presiding judge. The judge accepting the plea will also conduct a limited oral colloquy to supplement the written plea colloquy in accord with Pa.R.Crim.P. 590, and to address any issues raised therein. The written colloquy shall be filed in open court at the time the plea is entered.

(f) For a defendant unrepresented by counsel, the presiding judge shall conduct the guilty or *nolo contendere* plea colloquy in accord with Pa.R.Crim.P. 590 and the *Comment* thereto, together with an inquiry relating to waiver of counsel in accord with Pa.R.Crim.P. 121(a)(2). The plea colloquy may be conducted in combination with a video presentation, provided that the defendant acknowledges, either in writing or on the record, having watched the video.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

**CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 v. : No.: \_\_\_\_\_  
 :  
 \_\_\_\_\_, : OTN No: \_\_\_\_\_  
 Defendant :

**WRITTEN PLEA COLLOQUY**

DIRECTIONS CONCERNING THE ENTERING OF A GUILTY PLEA  
OR A PLEA OF *NOLO CONTENDERE* (NO CONTEST)

You are present before this Court because you or your lawyer have indicated your desire to plead to some or all of the criminal offenses with which you have been charged.

By pleading guilty you are agreeing and admitting that you committed each of the elements of the crimes. By pleading *nolo contendere* (no contest), you are stating that you do not contest the fact that the Commonwealth can prove you committed the crimes beyond a reasonable doubt. In criminal law, a plea of *nolo contendere* (no contest) has the same effect for sentencing purposes as pleading guilty and, therefore, everything contained in this plea colloquy also applies to a plea of *nolo contendere* (no contest).

It is important that you understand, agree with, and answer truthfully everything contained in this written plea colloquy.

Please answer all of the questions on these papers fully. Most of the questions are to be answered either “Yes” or “No.” Where facts are requested, please fill in those facts specified in the blank space provided after the question. If you do not understand the question, indicate this by making an “X” in the blank space provided after the question you do not understand.

After you have completed this form and signed it, if there are any portions of it that you have stated you do not understand, tell your attorney, the attorney for the Commonwealth, or the Judge so that you have a chance to have it explained.

If you are pleading *nolo contendere* (no contest) rather than guilty, all references in this colloquy to “your plea of guilty” (or similar language) shall be interpreted to mean your plea of *nolo contendere*.

**DEFENDANT’S PERSONAL INFORMATION**

- 1. What is your full name? \_\_\_\_\_
- 2. Are you known by any other names or aliases? \_\_\_\_\_ *If so, list them:* \_\_\_\_\_  
\_\_\_\_\_
- 3. What is your address? \_\_\_\_\_
- 4. Can you read, write and understand the English language? \_\_\_\_\_ (yes or no)
- 5. How old are you? \_\_\_\_\_ Date of birth: \_\_\_\_\_
- 6. How far did you go in school (give grade completed equivalency)? \_\_\_\_\_
- 7. Are you employed? \_\_\_\_\_ *If so, where?* \_\_\_\_\_
- 8. Are you now being treated for a mental illness? \_\_\_\_\_ *If so, please explain:* \_\_\_\_\_  
\_\_\_\_\_
- 9. Have you ever before been treated for mental illness, or been a patient in a mental institution?  
\_\_\_\_\_ *If so, please explain:* \_\_\_\_\_  
\_\_\_\_\_
- 10. Have you consumed any alcohol or taken any drugs or medicine or any other such substance  
within the past twenty-four (24) hours? \_\_\_\_\_ *If so, please explain:* \_\_\_\_\_  
\_\_\_\_\_
- 11. And are you presently under the influence of alcohol, drugs, medicine or any other substance  
to a degree that you cannot clearly understand these questions and answer them? \_\_\_\_\_
- 12. Do you feel that you can cooperate with your attorney, understand what you are doing today,  
and understand what these questions mean? \_\_\_\_\_
- 13. Do you know why you must answer these questions? \_\_\_\_\_
- 14. Do you understand that you are here to enter your plea of guilty to some or all of the charges  
against you? \_\_\_\_\_

**PRESUMPTION OF INNOCENCE**

- 15. Do you understand that you are presumed to be innocent and that you need not admit that you committed the offenses by pleading guilty? \_\_\_\_\_
- 16. Do you understand that, by pleading guilty, you give up and waive your presumption of innocence? \_\_\_\_\_

**RIGHT TO TRIAL**

- 17. Do you understand that you have the absolute right to have your guilt or innocence determined in a trial before a jury, which involves the following:
  - (a) that jury panels in Crawford County are selected at random from the citizens of Crawford County? \_\_\_\_\_
  - (b) that you and your attorney and the District Attorney would participate in selecting, from this panel, the particular twelve (12) jurors who would hear the evidence and decide your guilt or innocence? \_\_\_\_\_
  - (c) that you can keep jurors off of your case for cause and you can keep a limited number of people from being a juror without giving any reason? \_\_\_\_\_
  - (d) that only impartial, fair and unprejudiced jurors would be qualified to hear your case?  
\_\_\_\_\_
  - (e) that the Commonwealth has the burden of introducing testimony and other evidence which will convince all twelve jurors unanimously of your guilt beyond a reasonable doubt?  
\_\_\_\_\_
  - (f) that proof beyond a reasonable doubt is that kind of doubt that would cause a reasonable and sensible person to pause and hesitate before acting on something that is important in that person's life? \_\_\_\_\_
  - (g) the Commonwealth must present witnesses who must testify under oath and that you or your lawyer can question each of those witnesses and to question their believability?  
\_\_\_\_\_
  - (h) that you can testify, call witnesses or introduce other evidence to contradict the Commonwealth's evidence and/or support your innocence, but are not required to do so?  
\_\_\_\_\_

17. (*continued*: Do you understand that you have the absolute right to have your guilt or innocence determined in a trial before a jury, which involves the following:)
- (i) that, if you do not testify, call witnesses, or introduce other evidence, no adverse or negative inference may be drawn by the jury because you did not do so, and you will still be presumed innocent? \_\_\_\_\_
  - (j) that your right to call witnesses and present evidence includes evidence that you did not commit the crime charged, that you were at some other place when the crime was committed, that there is a mistaken identity, that an insanity defense exists, that your acts were justified under the law, or that there is some other lawful excuse for your acts?  
\_\_\_\_\_
  - (k) that if you cannot afford to pay proper costs, such as obtaining an expert witness, for example, these costs could be paid for you? \_\_\_\_\_
  - (l) that the jury will decide your guilt or innocence based only on the evidence that the jury hears, and on the law as told to the jury by the judge? \_\_\_\_\_
18. Do you understand that you can be tried by a judge alone and give up your right to a trial by a jury with the consent of the District Attorney's Office? \_\_\_\_\_

### **MOTIONS BEFORE TRIAL**

19. Do you understand that you can file motions with the Court before your trial to make sure that you get a fair trial? Those motions may include a motion to prevent the Commonwealth from presenting improperly obtained evidence at your trial, including any statements that you may have made, tests results, identifications, and items taken from you or from some other place, and if you file such a motion, the Commonwealth has the burden of proving that this evidence can be presented at your trial? \_\_\_\_\_
20. Do you understand that you can file a motion to have these charges dismissed if your trial was not started within 365 days after the date that the Criminal Complaint was filed against you, not counting any delays caused by you or your attorney? \_\_\_\_\_
21. Do you understand that if you plead guilty you give up your right to file any of these pretrial motions before both this Court and an appellate court? \_\_\_\_\_

**EFFECT OF PLEA**

- 22. Do you understand that by pleading guilty you are giving up the right to confront and cross-examine witnesses? \_\_\_\_\_
- 23. Do you understand that, in entering your plea of guilty, you are admitting that you are properly charged and before the Court on those offenses to which you plead, and that you give up and waive your right to raise, both before this Court and an appellate Court, any errors, irregularities, or violations of your Constitutional or statutory rights by the Commonwealth in investigating, obtaining evidence, filing, proceeding with, and presenting the charges against you? \_\_\_\_\_
- 24. Do you understand that, if you have raised any of these matters, that your plea of guilty will end your right to be heard on them? \_\_\_\_\_
- 25. Do you understand that your plea of guilty will have the same effect as if you had a trial and were convicted of the crimes to which you will be pleading? \_\_\_\_\_
- 26. Were you on County or State supervision (probation, intermediate punishment or parole) at the time these crimes were committed? \_\_\_\_\_

*If so,*

- (a) do you understand that your plea in this case will mean that you violated that supervision?  
\_\_\_\_\_
  - (b) do you understand that you can either be resentenced to prison or recommitted to prison for violating supervision? \_\_\_\_\_
  - (c) do you understand that any sentences that you will receive as a result of a violation of supervision could be in addition to any sentence which you may receive as a result of this plea? \_\_\_\_\_
  - (d) do you understand that if you are a convicted state parole violator, any additional prison time will be added to any prison time that you may receive as a result of this plea?  
\_\_\_\_\_
27. Do you understand that, if you are not a United States citizen, then it is possible that you will be deported because of your plea? \_\_\_\_\_

28. Do you understand that if you have been previously convicted of a crime or crimes, or been adjudicated delinquent as a juvenile, that these convictions and/or adjudications are included in computing your “prior record score” (PRS), and that your PRS is \_\_\_\_\_? \_\_\_\_\_
29. Do you understand what an “offense gravity score” (OGS) is, and that the OGS of each of the crimes to which you are entering your plea is as shown in the chart below? \_\_\_\_\_

<i>Count</i>	<i>charge</i>	<i>OGS</i>

30. Do you understand that under sentencing guidelines, the suggested “standard range” (SR) minimum prison sentence applicable to each of the crimes to which you are entering your plea (as adjusted – plus or minus – for aggravating or mitigating circumstances) is as shown in the chart below, and that other sentence enhancements may apply? \_\_\_\_\_

<i>Count</i>	<i>PRS</i>	<i>OGS</i>	<i>SR minimum prison sentence</i>	<i>Adjustment</i>
			to months	± months
	"		to months	± months
	"		to months	± months
	"		to months	± months

31. Do you understand that the maximum sentence of confinement and/or fine applicable to each of the crimes to which you are entering your plea is as shown in the chart below? \_\_\_\_\_

<i>Count</i>	<i>Grade</i>	<i>Maximum Penalty</i>		<i>Mandatory Minimum Penalty</i>	
		years	\$		\$
		years			\$
		years			\$
		years			\$

32. Do you understand that when a sentence is made “concurrent” with another sentence, that the two sentences are served at the same time; and that when a sentence is instead made “consecutive” to another sentence, that the first sentence must be served and completed before the second sentence begins? \_\_\_\_\_
33. Do you understand that, if you are being sentenced on more than one count, the sentences could be consecutive to each other, rather than concurrent? \_\_\_\_\_
34. Do you understand that the sentence(s) you receive for your guilty plea could be consecutive to any other sentences you are already serving? \_\_\_\_\_
35. Do you understand that the total possible total sentences you could receive for your guilty plea, if all sentences were to be made consecutive, would be \_\_\_\_\_ days \_\_\_\_\_ months \_\_\_\_\_ years in prison, and a \$\_\_\_\_\_.00 fine? \_\_\_\_\_
36. Have you and/or your attorney and the District Attorney agreed to a particular sentence that will be imposed on these charges in return for you entering a guilty plea? \_\_\_\_\_
37. Are you aware that the Judge is not bound by the terms of any plea agreement entered into between you, your attorney, and the District Attorney until the judge accepts the plea agreement? \_\_\_\_\_
38. Are you aware that the Judge does not have to sentence you in accordance with the terms of the specific sentence that you, your attorney, and the District Attorney have agreed to, but if the judge accepts your plea to that specific sentence and does not sentence you consistent with it, then you may withdraw your plea? \_\_\_\_\_
39. Do you understand that if the District Attorney is only making a sentencing recommendation, then the recommendation is not binding on the Court, and that you may not withdraw your plea simply because the judge did not follow the sentencing recommendation? \_\_\_\_\_
40. Do you understand that if there is no specific sentencing agreement, but only a non-binding sentencing recommendation to the Court, the judge will then determine what your sentence will be? \_\_\_\_\_
41. Do you understand that at any time prior to your sentencing, you may ask the Court for permission to withdraw your plea, but you must show a fair and just reason for doing so and that the Commonwealth would not be prejudiced by your doing so? \_\_\_\_\_

42. Are you pleading guilty (or no contest) to a crime for which you must register as a sex offender under the Sexual Offender Registration and Notification Act (“SORNA”)?

\_\_\_\_\_

*If so,*

- (a) do you understand that that you will be required to register as a sexual offender, and to appear in-person at an approved registration or verification site according to the assigned tier or classification that you fall under (see below)? \_\_\_\_\_
- (b) do you understand that the Court will require you to have an assessment by the Pennsylvania Sexual Assessment Board to determine whether you are a sexually violent predator (SVP), and that if you are a SVP, you will have to also attend monthly counseling sessions generally at your expense? \_\_\_\_\_
- (c) do you understand that SORNA classifies sexual offenders into three tiers, that Tier \_\_\_\_\_ is the most serious tier you fall under, and that the “Transient Offender” and SVP categories might also apply to you? \_\_\_\_\_
- (d) do you understand the following chart relating to SORNA? \_\_\_\_\_

<i>Tier</i>	<i>Required Appearances at Registration Site</i>	<i>Number of Years</i>	<i>Special Conditions</i>
I	Annually	15 Years	
II	Semiannually (twice a year)	25 Years	
III	Quarterly (four times a year)	Life	
Transient Offenders	Monthly	Dependent on Tier	
SVP	Quarterly (four times a year)	Life	Attend Monthly Counseling Sessions

- (e) do you understand that you will be required at sentencing to read and sign a form stating that your duties under SORNA have been explained to you? \_\_\_\_\_

### **KNOWING AND VOLUNTARY PLEA**

43. Have any promises been made to you to enter a plea of guilty other than the plea agreement, if any? \_\_\_\_\_
44. Has anybody forced you, threatened you, promised you anything or coerced you directly or indirectly to enter this plea of guilty? \_\_\_\_\_
45. Are you doing this of your own free will? \_\_\_\_\_

### **RIGHT TO AN ATTORNEY**

46. Do you understand that you have the right to be represented by an attorney and that, if you cannot afford an attorney, one would be appointed from the Public Defender's office to represent you without charge, before, during and after trial and on appeal to the appellate courts? \_\_\_\_\_
47. Are you satisfied with your attorney's representation of you in this case? \_\_\_\_\_
48. Are you satisfied that your lawyer has reviewed all of the facts of this case, and knows the law applicable to your case? \_\_\_\_\_
49. Have you fully discussed this case with your lawyer, including the facts and possible defenses that you may have to the charge(s)? \_\_\_\_\_
50. Has your attorney advised you on any legal questions you have about this case? \_\_\_\_\_
51. Are you satisfied that your lawyer has done everything you requested, such as contacting or attempting to contact every witness or source of evidence which you suggested? \_\_\_\_\_
52. Are you satisfied that your attorney is ready and able to take this case to trial if you do not plead? \_\_\_\_\_
53. Have you had enough time to consult with your attorney before completing this document and entering your plea of guilty? \_\_\_\_\_
54. If you did not understand any part of this document, has your attorney advised you on such matters? \_\_\_\_\_

I affirm that I have read the foregoing document in its entirety, and have reviewed it with my attorney. I affirm that I am aware of the full implications of pleading guilty/*nolo contendere* (no contest), and nevertheless wish to plead to the specified offense(s). I further affirm that my signature on this document is true and correct.

\_\_\_\_\_ Defendant

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

I, \_\_\_\_\_, Esq., Attorney for the Defendant, state that I have advised my client of the contents and meaning of this document. It is my belief that my client fully comprehends the implication of pleading guilty/*nolo contendere* and is pleading guilty/*nolo contendere* of his or her own free will.

\_\_\_\_\_, Esq.  
(Attorney for Defendant)

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

**Rule 600. SESSIONS OF CRIMINAL COURT, TRIAL LIST AND OTHER PROCEDURES.**

**(1) Sessions of Criminal Court**

- (a) Regular sessions of Criminal Term of Court shall be held during the months of January, March, May, June, September and November of each year as designated on the court calendar published annually by the Court. Such sessions may be extended or other special sessions may be held at such times as will conform most conveniently to the business of the Court and the state and local criminal rules so long as at least 30 days notice of any extension of a criminal term or any addition of a term beyond a regular session of court is given. The notice shall be given by the Court Administrator to the District Attorney's Office; the Public Defender's Office; members of the Crawford County criminal defense bar; out-of-county defense attorneys known to the Court Administrator's Office to recently practice in Crawford County and to all magisterial district judges. Further, the Court Administrator shall promptly post such notice on the Crawford County website at [www.crawfordcountypa.net](http://www.crawfordcountypa.net).
- (b) Sentence Court and any other hearings shall be scheduled from time to time by the Court Administrator as the Court may direct and in compliance with the Pennsylvania Rules of Criminal Procedure as well as these Local Rules.
- (c) Whenever Plea Court is scheduled pursuant to Cra.R.Crim.P. 590(1), the District Attorney shall notify the Court Administrator of the defendants who are scheduled to plead on a particular plea date. The Court Administrator shall keep a plea list with the pleas scheduled for specific plea dates. The list shall be available in the Court Administrator's Office and the Clerk of Courts Office at least twenty-four (24) hours prior to the scheduled plea date. The District Attorney shall not be required to comply with this provision for pleas scheduled following the Call of Criminal Trial List.

**(2) Trial List and Other Procedures**

- (a) (1) The Court Administrator shall maintain a master list of criminal cases chronologically as the Court Administrator receives a copy of the Criminal Case Scheduling Form required to be provided by the Issuing Authority pursuant to Rule 552 of these rules. This list shall be known as the "Master Criminal List." Each entry on this list shall include information deemed pertinent by the Court Administrator in consultation with the Court, but shall at least contain the name of the defendant, the number docketed for the case in the Clerk of Courts Office, the pertinent date pursuant to Pa.R.Crim.P. 600 and the name of any attorney who has appeared on behalf of the defendant.
- (2) The Court Administrator shall prepare the Criminal Trial List for each session of the Criminal Term of Court and shall arrange the cases in chronological order based on the current status of the "Master Criminal List" beginning with case number one on said list and continuing through the last case in which a defendant has been notified by the Criminal Case Scheduling Form provided that that defendant's case may be tried during the term for which the list was prepared.
- (3) All cases continued to a new trial term or not reached during the trial term due to the unavailability of the Court, shall appear chronologically on the "Master Criminal List" in the order in which they had previously appeared ahead of those cases chronologically listed for the next trial term so that the oldest cases will appear first on any list.

- (4) The “Master Criminal List” shall be available for counsel and other interested persons to view in the Court Administrator’s Office during normal business hours and copies of the Criminal Trial List based on that “Master Criminal List” for each Criminal Term of Court shall be available free of charge in the Court Administrator’s Office and in the Clerk of Courts Office at least one week prior to the call of the trial list for that designated Criminal Term of Court. That Criminal Trial List shall also be placed, by the Court Administrator’s Office, on the Crawford County website at [www.crawfordcountypa.net](http://www.crawfordcountypa.net) at least one week prior to the Call of the Criminal Trial List for that designated Criminal Term of Court.
- (b) (1) Cases for each criminal term shall be tried in the order in which they chronologically appear on the criminal trial list for that trial term unless otherwise adjusted by the Court Administrator for proper reasons.
- (2) Any party upon good cause shown may move the Court to advance a case forward from its chronological location on the Criminal Trial List or have the case moved down further on the list to be tried either within the same term of Criminal Court or to be continued to the next term of Criminal Court. Any such motion must be filed in compliance with Pa.R.Crim.P. 106 and Cra.R.Crim.P. 106. The Court in its discretion may continue a case after that deadline if the motion to continue is consented to by the opposing party and/or the Court finds that good cause to continue the case has arisen after the Call of the Criminal Trial List.
- (3) Upon granting a motion under Crawford County Rule of Criminal Procedure 600(2)(b)(2), the Court will designate as part of its order where such case shall be placed on the chronological criminal list for that particular term of court or what date certain the case will commence. If the Court allows the case to be continued to the next Criminal Term of Court, it shall be placed by the Court Administrator on the “Master Criminal List” pursuant to Cra.R.Crim.P. 600(2)(a)(3).
- (4) If a case involves complex issues so that it is not amenable to the normal schedule, any party may, after formal arraignment occurs or is waived, move the Court to remove said case from the “Master Criminal List” so that the flow of the case through the system is handled independently of that procedure.
- (5) In the event a case is removed from its designated scheduling cycle originally established on the Criminal Case Scheduling Form [i.e. ARD consideration, omnibus pretrial motion, continuance, cases not reached during a trial term] and is returned to a scheduling sequence, the Court Administrator shall prepare a new Criminal Case Scheduling Form setting the remaining appropriate dates for the defendant to appear with said assigned dates to be based on a reasonable effort to return the case into the sequence of the system at the point where the case was removed from the sequence or if the case is to be placed in a subsequent term of court, to a normal sequence for that term of court.

The Court Administrator shall distribute copies of the new Criminal Case Scheduling Form to the District Attorney’s Office and defense counsel as well as to unrepresented defendants in a manner consistent with the Pennsylvania Rules of Criminal Procedure and the Crawford County Rules of Criminal Procedure.

**(3) Call of the Criminal Trial List.**

The Call of the Criminal Trial List for a particular Criminal Term of Court shall be held by the Court on the date and time scheduled by the Court Administrator’s Office pursuant to Cra.R.Crim.P. 552.

- (a) In order to facilitate an organized Call of the Criminal Trial List, defense counsel shall notify the Court Administrator's Office, by noon on the last day the Courthouse is open prior to the Call of Criminal Trial List, of all defendants who are anticipated to enter guilty or nolo contendere pleas at the Call of the Criminal Trial List.
- (b) All defendants and all attorneys representing defendants for cases on the schedule for that term of criminal court must attend the Call of the Criminal Trial List unless:
  - (1) A Motion For Continuance has been previously properly presented and granted; or
  - (2) An Order has been entered by the Court prior to the Call of the Criminal Trial List excusing such appearance.
- (c) Failure to comply with the requirements of this Rule may result in the imposition of sanctions by the Court, including the issuance of a bench warrant and revocation of bail bond. Additionally, the District Attorney's Office may file a charge of Default in Required Appearance.
- (d) In open court, prior to calling all the names of individuals on the Criminal Trial List, the Court shall announce the day criminal trials begin and that the Thursday before criminal trials begin is the last day to enter a negotiated plea (plea bargain) and the last day to request a trial before a judge, rather than a jury.

The Court Administrator's Office shall, no later than the close of business on the day after the Call of the Trial List, notify the Population Control Manager at the Crawford County Correctional Facility of the names of all defendants whose cases were called at the Call of the Criminal Trial List who are incarcerated in the Crawford County Correctional Facility and did not enter a guilty or nolo contendere plea on the day of the Call of the Criminal Trial List. The Population Control Manager at the Crawford County Correctional Facility, or such designated person at that facility, shall show a brief video, provided by the Court, to those incarcerated defendants, which video shall explain to those defendants the negotiated plea and jury trial waiver deadlines as set forth in Cra.R.Crim.P. 552(4).

The person at the Correctional Facility who shows that video to the incarcerated defendants shall have each of those defendants sign "Form 600", acknowledging that they have viewed that video.

The Court Administrator's Office shall provide the necessary prepared acknowledgement forms to the Crawford County Correctional Facility or, alternatively, will provide the deadline date to be inserted in to those forms to the Crawford County Correctional Facility if the forms are already available at that facility.

**ACKNOWLEDGEMENT OF NEGOTIATED PLEA**

**AND**

**JURY TRIAL WAIVER DEADLINES**

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
vs.	:	<b>No.:</b>
	:	<b>OTN No.:</b>
	:	

**NOTICE TO DEFENDANT**

I acknowledge that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ I was shown a video at the Crawford County Correctional Facility advising me that the deadline to enter a negotiated plea and to enter into a Jury Trial Waiver is Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Defendant**

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

**Form 600**

**Rule 602. PRESENCE OF DEFENDANTS – TRANSPORTATION.**

- (1) For incarcerated defendants, transportation orders must be obtained from the Court and served upon the Sheriff of Crawford County at least 7 days prior to the time the defendant is required to appear if the defendant is incarcerated in a facility in the county, and at least 14 days prior to the time the defendant is to appear if the defendant is incarcerated in an out-of-county facility.
- (2) The responsibility for obtaining a transportation order shall be on:
  - (a) The District Attorney if the defendant is required to appear at trial or at a hearing set upon motion of the District Attorney or if the defendant is unrepresented by counsel.
  - (b) Defense counsel if the defendant is required to appear for a hearing set upon motion of the defendant. If the location of the defendant cannot reasonably be determined by defense counsel, such information may be sought from the District Attorney's Office and shall be reasonably provided to the defendant's counsel.

**Rule 620. WAIVER OF JURY TRIAL.**

The last day for a defendant to waive a jury trial shall be when court is in session for the purpose of accepting guilty or no contest pleas on the Thursday prior to the commencement of trials for a Criminal Trial Term.

**Rule 630. JUROR QUALIFICATION FORMS AND LISTS.**

Any juror information provided to counsel pursuant to Pa.R.Crim.P. 630 (A)(1)(c) or (d) is provided for use by counsel and shall be kept in counsel's possession at all times. However, counsel may, in preparation for and during jury selection, allow clients and others to see that information to aid in the jury selection process.

**Rule 700. SENTENCING JUDGE.**

The judge receiving guilty or nolo contendere pleas may schedule the defendant for sentencing before another judge sitting in or assigned to the 30<sup>th</sup> Judicial District so long as the defendant is notified at the time of the entry of the plea that a different judge will be imposing the sentence.

**Rule 704. ADVISING DEFENDANTS OF APPELLATE RIGHTS AFTER SENTENCING.**

Prior to the sentencing hearing, a defendant who is represented by counsel shall execute Form 704 A, which is entitled “APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING – After Trial” or Form 704 B, which is entitled “APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING – Guilty Plea or Nolo Contendere Plea”.

Defendant’s counsel shall review and explain the form to the defendant and allow the defendant to read the form prior to the defendant and defendant’s counsel signing the form. Counsel’s signature on the form shall constitute certification by counsel that counsel has read, discussed and explained the form to the defendant and, to the best of counsel’s knowledge, information or belief the defendant understands the form.

**TO THE DEFENDANT:  
PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH  
YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING  
SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON  
THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO  
EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU  
UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA :**

**vs.**

:  
:  
:  
:

**No.:**  
**OTN No.:**

**APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING**

**(After Trial)**

1. After you are sentenced, you have the right to file either a Post-sentence Motion or an Appeal to the Superior Court of Pennsylvania.
2. If you wish to file a Post-sentence Motion, it must be filed with the Criminal Clerk of Courts of Crawford County no later than ten (10) days after the imposition of sentence.
3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts of Crawford County, within thirty (30) days of imposition of sentence. This is a right of appeal, which you may exercise without filing a Post-sentence Motion. If you file a Post-sentence Motion, you would also have a right to appeal from an Order deciding that Motion or denying the Motion by operation of law.
4. If you file a Post-sentence Motion, all requests for relief must be stated with specificity and particularity, and consolidated in the Motion, which may include:
  - a. a Motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a Motion to Withdraw a plead of guilty or nolo contendere;
  - b. a Motion of Judgment of Acquittal;
  - c. a Motion in Arrest of Judgment;
  - d. a Motion for a New Trial; and/or
  - e. a Motion to Modify Sentence.
5. If you file a Post-sentence Motion, it and any supplemental Motion you may be permitted to file must be decided by the judge within 120 days of the filing of the original Motion. The judge may, at your

request, grant one 30-day extension for deciding the Motion, if good cause is shown. If the judge fails to decide the Motion within the allowed time, the Motion will be denied by operation of law, and the clerk will enter an order denying the Motion.

6. If you file a Post-sentence Motion, and wish to appeal from the Order deciding or denying the Motion, a Notice of Appeal must be filed with the Criminal Clerk of Courts of Crawford County, within thirty (30) days of that Order.

7. Whether or not you file a Post-sentence Motion, all issues raised before or during trial are preserved for appeal except if you wish to claim the verdict was against the weight of the evidence or the Court abused its discretion in sentencing you. Those issues must be raised in a Post-Sentence Motion before the trial judge before they can be raised on appeal to the Superior Court.

8. You have the right to assistance of counsel in the preparation of a Post-sentence Motion or any Appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.

9. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-sentence Motion and perfect an Appeal, or, when no Post-sentence Motion is filed, perfect an Appeal with the time permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

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

\_\_\_\_\_  
Signature of Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa.R.Crim.P. 704; that it is my belief that the defendant comprehends and understand those rights and what is set forth herein, and that Defendant has received a copy of this form.

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

\_\_\_\_\_  
Attorney for the Defendant

**TO THE DEFENDANT:  
PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH  
YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING  
SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON  
THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO  
EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU  
UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA :**

**vs.**

:  
:  
:  
:

**No.:**  
**OTN No.:**

**APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING**

**(Guilty Plea or Nolo Contendere Plea)**

1. After you are sentenced, you have the right to file either a Post-Sentence Motion in this Court or an Appeal to the Superior Court of Pennsylvania.
2. If you wish to file a Post-Sentence Motion, it must be filed with the Clerk of Courts no later than ten (10) days after the imposition of sentence.
3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts within thirty (30) days from when you are sentenced. You can file this Appeal without filing a Post-Sentence Motion in this Court. If you do file a Post-Sentence Motion in this Court, you also have the right to appeal from an order deciding that motion on the merits, or, if the Court does not decide that Motion within 120 days (or 150 days upon your motion to extend that time by thirty (30) days) from when it is filed. If the Court does not decide that Motion within that 120 day (or 150 day, if extended) time period, the Appeal must be filed within thirty (30) days from when the Clerk of Courts enters an Order denying the Motion by operation of law because the judge has failed to decide the Motion.
4. If you file a Post-Sentence Motion in this Court, your requests for relief must be stated with specificity and particularity in one motion, which may include:
  - a. a Motion challenging the validity of your plea of guilty or nolo contendere or the denial of a Motion to Withdraw a plea of Guilty or Nolo Contendere
  - b. a Motion to Modify Sentence
5. If you file a Post-Sentence Motion in this Court, as well as any supplemental motion that the Court allows you to file, the Motion must be decided within 120 days from when you file it, although the judge, at your request, may grant one thirty (30) day extension for deciding the Motion, if good cause is shown. If the

judge does not decide the Motion within the time period allowed, the Clerk of Courts will enter an Order denying the Motion.

6. If you file a Post-Sentence Motion and wish to appeal from this Court's order, you must do so within thirty (30) days from when that Motion is decided or denied.
7. Since you have entered a guilty plea or nolo contendere plea, your Appeal to the Superior Court would be limited to the following four areas:
  - a. your plea of guilty or nolo contendere was unlawfully induced and was not voluntarily and understandingly made by you;
  - b. your sentence was illegal;
  - c. the lower court did not have jurisdiction in your case;
  - d. your attorney was ineffective in representing you.
8. Whether or not you file a Post-Sentence Motion, all issues raised before or during trial are preserved for appeal, except if you claim the Court abused its discretion in sentencing you. That issue must be raised in a Post-Sentence Motion before the trial judge before it can be raised on appeal to the Superior Court.
9. You have the right to assistance of counsel in the preparation of a Post-Sentence Motion in the Appeal you file. If you are unable to afford an attorney, you have the right to the assistance of counsel, free of charge through the Public Defender's Office throughout the appeal process. If you challenge the effectiveness of your attorney and cannot afford a new attorney, a new attorney will be appointed to represent you.
10. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-Sentence Motion and, if that is not successful, an appeal or, when no Post-Sentence Motion is filed, that you file an Appeal within the thirty (30) day time period permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

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

\_\_\_\_\_  
Signature of Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_

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

\_\_\_\_\_  
Attorney for the Defendant

**Rule 708. PROBATION/PAROLE/ INTERMEDIATE PUNISHMENT GENERAL RULES AND REGULATIONS.**

A. Probation/Parole/Intermediate Punishment General Rules and Regulations

The Court, whenever sentencing a defendant to probation or intermediate punishment or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Crawford County shall be applicable and all of the following shall apply unless specifically deleted by the Court in its Order or in a subsequent order:

- (1) The defendant will be in the legal custody of the Court until the expiration of the defendant's probation, parole or intermediate punishment or until further order of Court. The Probation or Parole Officer has the power at any time during this period, in cases of violation by the defendant of any of the conditions of the defendant's probation, intermediate punishment or parole, to detain the defendant in a county prison and thereafter make a recommendation to the Court, which may result in the further detention of the defendant and ultimately the revocation of probation or parole and commitment to a penal or correctional institution for service of the defendant's sentence.
- (2) The defendant will report regularly to the Probation/Parole Department, in person or in writing, and reply to any communication from the Court or the Probation/Parole Department.
- (3) The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.
- (4) The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.
- (5) The defendant will comply with all municipal, county, state and federal criminal laws, and will abide by any additional written instructions of his/her Probation/Parole Officer. Pursuant to this rule, any such reasonable instruction shall be considered a special condition of supervision imposed by the Court. The defendant will immediately notify his/her Probation/Parole Officer of any arrest or investigation by law enforcement agencies.
- (6) If the defendant is not employed, the defendant will make every effort to obtain and maintain employment and support any dependents of the defendant. The defendant will obtain written permission prior to changing employment. If the defendant loses a job, the defendant will immediately notify the defendant's Probation/Parole Officer and cooperate in any effort the parole officer may make to obtain employment for the defendant.
- (7) The defendant shall abstain completely from the use and possession of controlled substances.
- (8) If the defendant has ever been convicted of a felony or a misdemeanor involving the use or possession of a weapon, the defendant shall not be permitted to own, possess or have access to any firearm nor ammunition that can be used in any firearm.

If the defendant has been convicted of a non-weapons misdemeanor, with the advance permission of the defendant's Probation/Parole Officer, the defendant may possess weapons and ammunition for those weapons to be used exclusively for hunting or other sports activities. This decision shall be solely at the discretion of the defendant's Probation/Parole Officer.

- (9) The defendant may not use alcoholic beverages nor may the defendant go into places where alcoholic beverages are sold unless, at the discretion of the Probation/Parole Department, this condition is totally or partially waived in writing.
- (10) All fines, costs, restitution and Offender's Supervision Fees imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.
- (11) The defendant will submit to random and periodic testing to determine any use of illegal controlled substances and alcoholic beverages.
- (12) The defendant will attend and pay all costs and fees of any therapeutic program offered by a recognized agency when directed to do so by the defendant's Probation/Parole Officer.
- (13) The defendant will not annoy or harass any victim or witnesses of the defendant's crime and shall not solicit anyone else to do so.
- (14) The defendant shall obey the law and be of good behavior generally.
- (15) The defendant shall report to the Crawford County Probation/Parole Department within 24 hours after being released from any institution unless directed to report sooner by the Probation/Parole Officer and/or Order of the Court.
- (16) The defendant shall comply with any curfew imposed by the Probation/Parole Department.
- (17) Any defendant required to comply with the provisions of 44 Pa. C.S.A. Section 2316 regarding the mandatory submission of a DNA sample, shall do so and shall further pay the mandatory costs set forth in 44 Pa. C.S.A. Section 2322 unless the Court has found that undue hardship would result and has excused the payment of that fee.
- (18) Any defendant subject to the registration requirements for sexual offenders pursuant to the provisions of 42 Pa. C.S.A Section 9791 et. seq. (as amended) (known as Megan's Law) shall at all times during the period of probation/parole comply with all such registration requirements.
- (19) The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.
- (20) The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.
- (21) If the defendant believes that the defendant's rights have been violated as a result probation/parole supervision, the defendant must submit a timely complaint in writing,

first to the Chief Probation/Parole Officer and then to the President Judge at the Crawford County Courthouse in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.

B. Electronic Monitoring/House Arrest General Rules and Regulations.

Whenever the Court shall sentence a defendant to a sentence including Electronic Monitoring/House Arrest, the defendant will be subject to all of the following rules, regulations and conditions unless specifically deleted by the Court in its Order or any subsequent Order:

(1) The offender must remain at the indicated residence at all times except those times approved by the Crawford County Probation/Parole Department with the exception of a life threatening emergency. The offender may be required to furnish documentation to verify any emergency departures from the schedule. If an emergency situation exists, the offender is required to notify the Probation/Parole Department immediately.

(2) The offender agrees to maintain telephone service that is not equipped with the phone company's computerized answering service throughout the offender's participation in the Electronic Monitoring/House Arrest Program.

The offender may be required to provide documentation to verify this condition. Also the offender understands that ALLTEL Corporation or the equivalent service provider is not liable for any damages incurred as a result of wearing the equipment or participating in said program.

(3) No illegal drugs, alcohol, firearms or other weapons or ammunition for firearms are permitted in the residence. Additionally, the offender is prohibited from possessing or using any of these items at any time during the period of time on Electronic Monitoring/House Arrest.

(4) The Probation/Parole Department shall be permitted access to the residence during the term of this program. Additionally, the officers shall be permitted to search the residence, the offender and the offender's vehicle. The offender consents to all types of these searches and acknowledges that they may be conducted without a search warrant. Officers may restrict individuals from visiting the offender. Any non-compliance of the offender's family/friends is the offender's responsibility.

(5) The offender shall submit to drug and alcohol testing with the type of test to be selected by the supervising officer. Methods may include, but are not limited to, breath, urinalysis or blood testing.

(6) The offender will not move, disconnect or tamper with the monitoring equipment following installation.

(7) The offender will be held responsible for any damage other than normal wear to the equipment. If the equipment is not returned or it is not returned in good condition, the offender may be charged for replacement/repair and may be subject to civil and/or criminal penalties.

(8) The purpose of this monitoring equipment is to alert authorities of violations of the program. The offender agrees that the loss of a receiving signal and/or receipt of a tamper signal by the monitoring device shall constitute probable cause for a violation. It is agreed that the program's computer printout and/or a program official's and/or other

sources of testimony may be used as evidence at a violation hearing to prove said violation.

- (9) The Crawford County Probation/Parole Department and program associated agents are not liable for any damages incurred as a result of wearing or tampering with the equipment or any respective damages associated with the equipment that are the result of the offender's negligence.
- (10) The offender must abide by all instructions, rules, regulations and directives of the Electronic Monitoring/House Arrest Officers or other officers of the Department acting for the assigned case officer.
- (11) The offender shall comply with all municipal, county, state and federal laws. Any arrest, receipt of citation/summons or contact by law enforcement officials must be immediately reported to the offender's probation/parole officer.
- (12) Approvals will be given for the defendant to leave the residence for employment. This employment may be full or part time, but must be a legitimate job where taxes are withheld or W-2 Forms are filed and verification is established. Other leaves will be limited to approved counseling, hospital/doctor appointments and a funeral of an immediately family member. Social leave will not be permitted, nor will leave to public or private events be permitted. All leave activity will be recorded in the daily logbook for the defendant.
- (13) The offender will be assessed an installation fee and a daily use fee while enrolled in the Electronic Monitoring/House Arrest Program in amounts to be determined by administrative order entered by the President Judge.
- (14) While in the Electronic Monitoring/House Arrest Program, the offender shall attend any recommended counseling and shall comply with the rules and regulations of any counseling agency, including compliance with the treatment plan.
- (15) The offender shall always be truthful and accurate in any written or oral statements the offender makes to the probation/parole officer or member of the staff at the Probation/Parole Department. The offender understands that providing false information is a violation of and may result in the offender's removal from the program and return to the Crawford County Correctional Facility forthwith.
- (16) The offender may be arrested with or without a warrant immediately following a violation, and that arrest will result in the offender's return to the Crawford County Correctional Facility forthwith until the matter can be brought before a judge for hearing.
- (17) The offender will not leave the place of employment except to perform duties associated with employment unless otherwise permitted by the supervising probation/parole officer. The offender agrees to permit the supervising probation/parole officer to visit the place of employment to assure compliance and to permit the employer to notify the supervising probation/parole officer in the event the offender does not report to work as required or leaves work other than at the designated times in the normal workday.
- (18) The offender is required to keep the supervising probation/parole officer informed of the location and directions to the place of employment or job site.

- (19) The offender will provide a weekly work schedule to the supervising probation/parole officer in writing at least two working days in advance of the work schedule.
- (20) If the offender believes the offender's rights have been violated as a result of the Electronic Monitoring/House Arrest supervision, the offender may submit a timely written complaint in writing, first to the Chief Probation/Parole Officer, and if the matter is not satisfactorily resolved, then to the President Judge at the Crawford County Courthouse, Meadville, Pennsylvania.

The offender shall have access to a digital pager with a number to be designated by the Adult Probation Department, to be used in EMERGENCY SITUATIONS ONLY! This pager is not to be used for schedule changes or personal requests. The offender must have a schedule change approved one day in advance during working hours. Any weekend schedule changes not requested prior to close of business on Friday will not be approved. The offender is cautioned, this pager is for EMERGENCY USE ONLY.

An EM Log will be provided to the offender at the time of the initial hook-up. The offender will be responsible for maintaining an accurate log with a detailed list of all daily events that occur outside the residence. The officer may apply the officer's own discretion in the maintenance of the log.

Religious leave may be permitted with a written and signed request from the pastor, priest, etc. and written documentation of any attendance with not more than two leaves per week permitted.

Any other purposed leave requests are subject to the approval of the Electronic Monitoring/House Arrest Department of the Probation/Parole Department.

**Rule 801. QUALIFICATIONS FOR DEFENSE COUNSEL IN CAPITAL CASES.**

The Court Administrator's Office shall maintain a list of Crawford County Attorneys who satisfy the educational requirements set forth in Pa.R.Crim.P. 801 and who have notified the Court Administrator they wish to be considered for appointment to representation of defendants in cases in which the death sentence is authorized.