

# **CRAWFORD COUNTY RULES OF CRIMINAL PROCEDURE**

**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 these rules shall be determined by the District Court Administrator of Crawford County in consultation with the President Judge.

**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 comply with Pa.R.Crim.P. 106(D).

- (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 comply with Pa.R.Crim.P. 106(D).

## **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 120. ATTORNEYS – APPEARANCES.**

The entry of an appearance by counsel for the defendant as required by Pa.R.Crim.P. 120 shall be substantially in the form provided by the District Court Administrator and posted on the County website.

### **Rule 135. TRANSCRIPT OF PROCEEDINGS BEFORE ISSUING AUTHORITY.**

#### **(c) Electronic Transmission.**

- (1) The transcript and any associated documents shall be electronically scanned and transmitted to the Clerk of Courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

**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 460. NOTICE OF APPEALS; TRANSMITTAL OF TRANSCRIPT AND ASSOCIATED DOCUMENTS.****(c) Electronic Transmission.**

- (1) The transcript and any associated documents shall be electronically scanned and transmitted to the Clerk of Courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

**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:

IMPORTANT NOTICE

You have the absolute right to be represented by a lawyer.

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, 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 542. PRELIMINARY HEARINGS; CONTINUANCES.**

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

The continuance of any preliminary hearing shall be limited to the minimum time period necessary, and should not result in a preliminary hearing being held more than thirty days from the date when the preliminary hearing was first scheduled.

**Rule 547. TRANSCRIPT OF PROCEEDINGS BEFORE ISSUING AUTHORITY.****(d) Electronic Transmission.**

- (1) The transcript and any associated documents shall be electronically scanned and transmitted to the Clerk of Courts in digital format in lieu of transmitting the physical paper transcript and associated documents.

**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 provided by the District Court Administrator.

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.

## **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.
- (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 in the Clerk of Courts' Office a waiver of appearance at arraignment substantially in the form provided by the District Court Administrator and posted on the County website. A copy of the waiver shall be served upon the Commonwealth pursuant to Pa.R.Crim.P. 576.
- (c) 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.

**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.

**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 District 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 District Court Administrator's Office to recently practice in Crawford County, and to all magisterial district judges. Further, the District Court Administrator shall promptly post such notice on the County website.
- (b) Sentence Court and any other hearings shall be scheduled from time to time by the District 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(A)(1), the District Attorney shall notify the District Court Administrator of the defendants who are scheduled to plead on a particular plea date. A plea list with the pleas scheduled for specific plea dates shall be distributed by the District Attorney 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 District Court Administrator shall maintain a master list of criminal cases chronologically as the District Court Administrator receives a copy of the Criminal Case Scheduling Form required to be provided by the Issuing Authority pursuant to Rule 552(3) 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 District 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 District 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 District 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 District 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 District Court Administrator’s Office, on the County website 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 or by the District 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) If the Court allows the case to be continued to the next Criminal Term of Court, it shall be placed by the District 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 (e.g., ARD consideration, omnibus pretrial motion, continuance, cases not reached during a trial term) and is returned to a scheduling sequence, the District Court Administrator shall prepare and file 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 Clerk of Courts 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.

**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 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 30th 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 an acknowledgment of post-sentence appellate rights, substantially in the form provided by the District Court Administrator and posted on the County website.

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.

**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 crime of domestic violence or 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 other than a crime of domestic violence, 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. §§ 9799.10 *et seq.* (as amended) (known as SORNA II) shall at all times during the period of probation, intermediate punishment, or 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 Judicial Center in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.
- (22) 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 Judicial Center 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.
- (16) 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

- (17) 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. 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.