

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Mental Health Procedures Act Designation of Hearing Site; Administrative Doc. No. 001 of 1997

##### Order

And now, this 9th day of June, 1997, upon review and consideration of the request made by Girard Medical Center, located at 8th Street and Girard Avenue, in the City and County of Philadelphia, to be designated as a Hearing Site for Mental Health Hearings conducted pursuant to the Mental Health Procedures Act of 1976, as amended, the Court being satisfied that the facilities meet the Court's criteria, *It Is Hereby Ordered and Decreed* that Girard Medical Center is designated as a Hearing Site for Mental Health Hearings.

The scheduled day(s) and time(s) of Mental Health Hearings at the site shall be as directed by the Court from time to time.

This Order is issued in accordance with Phila. R. Civ. P. No. 7109, as adopted May 21, 1997, Phila. R. Civ. P. No. \*51 and Pa.R.C.P. No. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary in an Administrative Docket maintained for Orders issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District.

By the Court

ALEX BONAVIDACOLA,  
President Judge

[Pa.B. Doc. No. 97-1020. Filed for public inspection June 27, 1997, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rule 301: Continuances; Criminal Division, No. 69 Misc. of 1997

##### Order

And Now, this 9th day of June, 1997, pursuant to Rule 6 of the Rules of Criminal Procedure, it is hereby ordered that the above-stated Local Rule be adopted as follows.

The Clerk of Courts is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts.

(2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk shall furnish to any person a copy of any local rule.

This local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

WILLIAM J. FRANKS,  
President Judge

#### Rule 301. Continuances.

(a) The court may, in the interest of justice, grant a continuance, of its own motion, or on the motion of either party. The court shall on the record identify the moving party and state for the record the court's reasons justifying the granting or denial of the continuance.

(b) A motion for continuance of trial made on behalf of the defendant shall be made to the assigned Plea Judge no later than forty-eight hours before the time set for trial. A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

(c) The absence of an attorney shall not be deemed to be grounds for a continuance unless such absence is caused by an engagement in Federal Court, a Pennsylvania Appellate Court, a previously scheduled Common Pleas Court hearing, by the attorney's illness, or by some special or unexpected circumstances rendering the attorney's absence practically involuntary. When two or more attorneys are of record for the same party, the absence of one of them shall not be deemed grounds for a continuance or for passing the case, except for reasons satisfactory to the court.

(d) Except for cause shown as stated in the motion, a motion for continuance shall comply with the following requirements:

(1) The motion shall be signed by the moving party and counsel for the moving party; and

(2) The motion shall be consented to and signed by all counsel, and unrepresented parties of record, or it must be presented as a Priority Motion (in accordance with Fayette County Rule 211); and

(3) If the motion is made necessary by a pre-existing hearing commitment, a copy of the order setting such hearing shall be attached to the motion, and the motion for continuance must be presented as soon as possible after the conflict is established, and in no event more than two weeks after the mailing of notice of the hearing that is proposed to be continued; and

(4) Counsel must obtain from the Court at least three dates available to all parties and all counsel for the continued hearing. Alternately, each counsel may provide a list of the dates counsel or counsel's client is unavailable during the three month period following the date the motion for continuance is presented.

[Pa.B. Doc. No. 97-1021. Filed for public inspection June 27, 1997, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 303: Arraignment; Criminal Division No. 70 Misc. of 1997

Order

And Now, this 9th day of June, 1997, pursuant to Rule 6 of the Rules of Criminal Procedure, it is hereby ordered that the above-stated Local Rule be adopted as follows:

The Clerk of Courts is directed as follows:

(1) Seven certified copies of the Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts.

(2) Two certified copies of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(3) One certified copy of the Local Rule shall be sent to the State Criminal Procedural Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the Fayette Legal Journal.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Clerk of Courts. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the Pennsylvania Bulletin.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 303. Arraignment.

(a) Arraignment shall be held on the third Thursday of each month before an assigned Judge.

(b) At the arraignment, the defendant shall be advised of:

(1) the right to be represented by counsel;

(2) the nature of the charges contained in the information; and

(3) the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, and an Omnibus Pretrial Motion, and time limits within which the motions must be filed.

If the defendant or counsel has not received a copy of the information(s) pursuant to Rule 227, a copy of thereof shall be provided.

(c) A defendant may waive appearance at arraignment if:

(1) The defendant is represented by counsel of record and counsel concurs in the waiver; and

(2) The defendant and counsel sign and file with the clerk of courts a waiver of appearance at arraignment which acknowledges that the defendant:

(i) understands the nature of the charges;

(ii) understands the rights and requirements set forth in Pa. R. Crim. P. 303(b); and

(iii) waives his or her right to appear for arraignment.

(d) The waiver of arraignment and entry of plea shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

NAME

ADDRESS

CITY, STATE, ZIP

NO.

WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA

I, \_\_\_\_\_, Defendant, in the above case, being advised of the offense charged in the Information, of my rights to an Arraignment, and of my right to file certain pretrial motions (including a Request for a Bill of Particulars) within seven (7) days of this Waiver, a Request for Pretrial Discovery and/or Inspection within

fourteen (14) days of this Waiver, and an Omnibus Pretrial Motions within thirty (30) days of this Waiver, do hereby waive Court Arraignment, enter a plea of \_\_\_\_\_, and request a \_\_\_\_\_ trial.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant (print)

DATE: \_\_\_\_\_

WITNESS: \_\_\_\_\_

**ENTRY OF APPEARANCE**

TO THE CLERK OF COURTS: Enter my Appearance as Attorney for the above-named defendant and please forward a copy of the Information(s) filed against the defendant in accordance with PA.R.Crim.P. 218 in the above case.

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT (signature)

[Pa.B. Doc. No. 97-1022. Filed for public inspection June 27, 1997, 9:00 a.m.]

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