

# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY Judicial and Related Account

#### Order

And Now, this 21st day of March, 2003, the original Order of November 9, 1978 establishing the Judicial and Related Account and subsequently amended August 6, 1993, September 9, 1999 and March 5, 2002 is hereby amended as follows:

The Judicial and Related Account shall be composed of the following budget accounts:

- 1. 0135 Domestic Relations
- 2. 0139 Law Library
- 3. 0140 Main Courts
- 4. 0141 Grand Jury
- 5. 0142 Jury Commissioners
- 6. 0147 Court Stenographers
- 7. 0151 Adult Probation and Parole
- 8. 0152-0153 Juvenile Probation
- 9. 0325-0375 Youth Detention Center (County)
- 10. 0330-0380 Juvenile Reimbursable Administration
- 11. 0334-0384 Juvenile Counseling
- 12. 0335-0385 Juvenile Day Treatment
- 13. 0336-0386 Juvenile Life Skills
- 14. 0337-0387 Juvenile Protective Services General
- 15. 0338-0388 Juvenile Protective Services Planning
- 16. 0339-0389 Juvenile Alternative Treatment
- 17. 0340-0390 Juvenile Community Residential (Group Home)
- 18. 0341-0391 Juvenile Foster Family
- 19. 0342-0392 Juvenile Detention (Out of County)
- 20. 0343-0393 Juvenile Residential (Non Group Home)
- 21. 0344-0394 Juvenile Revenue (Act 146 Related)
- 22. 0201 Magisterial District 07-1-01
- 23. 0202 Magisterial District 07-1-02
- 24. 0203 Magisterial District 07-1-03
- 25. 0204 Magisterial District 07-1-04
- 26. 0206 Magisterial District 07-1-06
- 27. 0207 Magisterial District 07-1-07
- 28. 0208 Magisterial District 07-1-08
- 29. 0209 Magisterial District 07-1-09
- 30. 0210 Magisterial District 07-1-10
- 31. 0211 Magisterial District 07-1-11
- 32. 0212 Magisterial District 07-2-01
- 33. 0213 Magisterial District 07-2-02
- 34. 0214 Magisterial District 07-2-03
- 35. 0215 Magisterial District 07-3-01
- 36. 0216 Magisterial District 07-2-05
- 37. 0217 Magisterial District 07-3-03
- 38. 0218 Magisterial District 07-2-07
- 39. 0219 Magisterial District 07-2-08
- 40. 0220 Supplemental Judicial Clerks
- 41. 2540 Court's Capital
- 42. 0130 Register of Wills
- 43. 0131 Sheriff
- 44. 0133 Prothonotary
- 45. 0134 Clerk of Courts

and such other accounts as the Court may from time to time direct.

In all other respects, Administrative Order No. 1 dated November 9, 1978, remains in full force and effect.

This Order to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

R. BARRY MCANDREWS,  
*President Judge*

[Pa.B. Doc. No. 03-657. Filed for public inspection April 11, 2003, 9:00 a.m.]

### CARBON COUNTY

#### Amendment of Exhibit C of the Administrative Criminal Case Management Plan as Referenced in Local Rules of Criminal Procedure; No. 103 MI 00

#### Administrative Order 8-2003

And Now, this 31st day of March, 2003, it is hereby

Ordered and Decreed that, effective April 1, 2003, the Carbon County Court of Common Pleas hereby Amends Exhibit "C" of the Administrative Criminal Case Management Plan referenced in Carbon County's Local Rules of Criminal Procedure.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

- 1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
- 2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
- 4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
- 5. Forward one (1) copy to the Carbon County Law Library.
- 6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,  
*President Judge*

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF  
 PENNSYLVANIA : COMMON PLEAS  
 : CARBON COUNTY,  
 : PENNSYLVANIA  
 VS :  
 :  
 : NO.

#### GUILTY PLEA COLLOQUY

You are present before this Court because you or your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all the questions on this

document. If you do not understand any explanations given to you on this document, say so by putting the word "no" in the blank provided after the questions. If you do understand the questions, you should write in the word "yes." None of the lines should be left blank.

After you have finished reading this and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case, so that they can explain it to you fully, to make sure you understand all your rights.

Most of these questions are designed to be answered "yes" or "no." Where general information is asked for, however, please answer fully.

1. What is your full name? \_\_\_\_\_
2. Are you known by any other name or alias? \_\_\_\_\_
3. If the answer to Number 2 is "yes" state the other name or aliases. \_\_\_\_\_
4. What is your date of birth? \_\_\_\_\_
5. What was the last grade completed in school? \_\_\_\_\_
6. Can you read, write and understand the English language? \_\_\_\_\_
7. As you appear before the Court today to enter a guilty plea, are you under the influence of alcohol or any kind of drugs? \_\_\_\_\_
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness? \_\_\_\_\_
9. If the answer to Number 7 is "yes," please explain the details. \_\_\_\_\_
10. Are you currently being treated for a mental illness? \_\_\_\_\_
11. If the answer to Number 9 is "yes," explain the details. \_\_\_\_\_
12. If you are presently being treated for a mental illness, do you feel that you have sufficient mental capacity to understand what you are doing today, and to understand these questions and answer them correctly? \_\_\_\_\_
13. Do you understand that you are here today to enter a guilty plea to some or all of the charges against you? \_\_\_\_\_
14. Do you understand the nature of the offenses to which you are pleading guilty? \_\_\_\_\_
15. Has your lawyer explained to you the elements of the criminal offenses to which you are pleading? \_\_\_\_\_
16. Do you admit to committing the offenses to which you are pleading guilty and to the legal elements explained to you making up those offenses? \_\_\_\_\_
17. Do you understand that you have a right to a trial by jury? \_\_\_\_\_
18. Do you understand that the right to trial by jury means that you can participate in the selection of a jury with your attorney; that the jury is randomly selected from the voter registration list of Carbon County and a cross-section of the citizens of Carbon County, and that the jury has to agree unanimously on your guilt before you can be convicted of the offenses with which you are charged? \_\_\_\_\_

19. Do you understand that you are presumed innocent until found guilty? In other words, do you understand that the Commonwealth must prove your guilt beyond a reasonable doubt before you can be convicted of the offenses charged? \_\_\_\_\_

20. Do you understand that the Commonwealth has the burden of proving you guilty beyond a reasonable doubt, which means you can remain silent and nothing can be held against you for refusing to testify in your own defense? \_\_\_\_\_

21. Do you understand that you have a right to confront and cross-examine all Commonwealth witnesses in your case who are necessary to prove your guilt? \_\_\_\_\_

22. Do you understand that by pleading guilty you are waiving that right of confrontation and cross-examination? \_\_\_\_\_

23. Do you realize that by pleading guilty you are giving up your right to present any pre-trial motions for consideration to this or a higher Court in the event those motions are denied? \_\_\_\_\_

24. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and raise any errors that were committed in the trial Court, and that this could result in your being awarded a new trial or discharged, and that by pleading guilty you are giving up this right? \_\_\_\_\_

25. Do you realize that if you were convicted after a trial you could appeal the verdict to a higher Court and you could also challenge whether the Commonwealth had presented enough evidence to prove you guilty beyond a reasonable doubt? \_\_\_\_\_

26. Are you aware that the Court is not bound by the terms of any plea agreement entered into between you, your counsel and the Attorney for the Commonwealth, until the Court accepts such plea agreement? \_\_\_\_\_

27. Do you understand that the Court is not a party to any agreement or recommendation made by the parties and that any recommendation and/or stipulation regarding sentence is not binding on the Court and you knowingly waive the right to withdraw this plea if the Court does not concur in the recommended sentence? \_\_\_\_\_

28. Are you aware of the permissible range of sentence and/or fines that can be imposed for the offenses to which you are pleading guilty? \_\_\_\_\_

29. Are you aware of the maximum sentence and/or fine which the Court could impose upon you for each of the offenses to which you are pleading guilty? \_\_\_\_\_

30. Do you understand that any sentence imposed upon you for any of the offenses to which you are pleading guilty can be imposed consecutively to either (a) any sentence imposed upon you for any other offense for which you are pleading guilty in this case; or (b) any sentence imposed upon you in any other case? \_\_\_\_\_

31. Do you understand that "consecutive" sentences means that one sentence will follow after another and that "consecutive" sentences do not run at the same time? \_\_\_\_\_

32. Do you understand that the aggregate maximum sentence you could receive if you are pleading guilty to multiple offenses is the total of all maximum sentences for all the offenses added together? \_\_\_\_\_

33. Do you understand that you have a right to have witnesses present at your guilty plea hearing to testify for

you? Are you willing to give up that right and have the Attorney for the Commonwealth summarize the facts against you? \_\_\_\_\_

34. After you enter your guilty plea and it is accepted by the Court, you still have a right to appeal your conviction. The appeal from a guilty plea is limited, however, to four grounds. They are:

(a) that your guilty plea was not knowing, intelligent and voluntary;

(b) that the Court did not have jurisdiction to accept your plea (in other words, the offenses for which you are pleading guilty did not occur in Carbon County);

(c) that the Court's sentence is beyond the maximum penalty authorized by law; and

(d) that your attorney was incompetent in representing you and advising you to enter a plea of guilty

Do you understand these four areas of appeal and what they mean? \_\_\_\_\_

In order to appeal your conviction by a plea of guilty, you must within ten (10) days file a written motion to withdraw your guilty plea and state any of the four above grounds as the basis for your petition to withdraw your guilty plea. This must be done within ten (10) days from the date you are sentenced. If you cannot afford a lawyer to represent you or you are contending that your attorney, who represented you at your guilty plea, was incompetent, you have the right to have other counsel appointed for you to raise those four claims. If your petition to withdraw your guilty plea is denied, you then have thirty (30) days to file an appeal from that denial with the Superior Court of Pennsylvania.

If you do not file your petition within ten (10) days of your sentence or do not file a Notice of Appeal to the Superior Court within thirty (30) days after your petition to withdraw your guilty plea is denied, you give up your right to ever complain again of any of those four areas, including incompetent counsel.

Do you understand the meaning of the various appeal rights that have just been explained to you? \_\_\_\_\_

35. Has anybody forced you to enter this plea of guilty? \_\_\_\_\_

36. Are you doing this of your own free will? \_\_\_\_\_

37. Have any threats been made to you to enter a plea of guilty? \_\_\_\_\_

38. Have any promises been made to you to enter a plea of guilty other than any plea agreement that has been negotiated for you by your attorney? \_\_\_\_\_

39. Do you understand that the decision to enter a guilty plea is yours and yours alone; that you do not have to enter a plea of guilty and give up all your rights, as previously explained to you and that no one can force you to enter a guilty plea? \_\_\_\_\_

40. Do you understand that if your plea is accepted by this Honorable Court, you would have the right to have a Pre-Sentence Report prepared on your behalf to aid the Judge in determining the appropriate sentence to be imposed upon you? Since this is a plea bargain, are you willing to waive the preparation of the pre-sentence investigation? \_\_\_\_\_ (if applicable)

41. Are you presently on probation or parole? \_\_\_\_\_

42. If you are on probation or parole, do you realize that your plea of guilt will mean a violation of that probation or parole and you can be sentenced to prison as

a result of that violation caused by your guilty plea today? \_\_\_\_\_

43. Are you satisfied with the representation of your attorney? \_\_\_\_\_

44. Have you had ample opportunity to consult with your attorney before reading this document and entering your plea of guilty? \_\_\_\_\_

45. Has your attorney gone over with you the meaning of the terms in this document? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

\_\_\_\_\_  
Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that he/she comprehends and understands that is set forth above; that I am prepared to try this case; and that the defendant understands what he/she is doing by pleading guilty.

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

[Pa.B. Doc. No. 03-658. Filed for public inspection April 11, 2003, 9:00 a.m.]

# SUPREME COURT

## Appointment to Disciplinary Board; No. 218 Disciplinary Board Appointment Doc.

### Order

*Per Curiam:*

*And Now*, this 31st day of March, 2003, Smith B. Gephart, Esquire, Dauphin County, is hereby appointed as a member of the Disciplinary Board for a term of three years commencing April 1, 2003.

[Pa.B. Doc. No. 03-659. Filed for public inspection April 11, 2003, 9:00 a.m.]

## Reappointment to Disciplinary Board; No. 219 Disciplinary Board Appointment Doc.

### Order

*Per Curiam:*

*And Now*, this 31st day of March, 2003, Marvin J. Rudnitsky, Esquire, Snyder County, is hereby reappointed as a member of the Disciplinary Board for a term of three years commencing April 1, 2003.

[Pa.B. Doc. No. 03-660. Filed for public inspection April 11, 2003, 9:00 a.m.]

**Schedule of Holidays for Year 2004 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 253 Judicial Administration; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 25th day of March, 2003, it is hereby ordered that the following paid holidays for calendar year 2004 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 2004	New Year's Day
January 19, 2004	Martin Luther King, Jr. Day
February 16, 2004	Presidents' Day
April 9, 2004	Good Friday
May 31, 2004	Memorial Day (Observed)
July 5, 2004	Independence Day (Observed)
September 6, 2004	Labor Day
October 11, 2004	Columbus Day (Observed)
November 2, 2004	Election Day
November 11, 2004	Veterans Day
November 25, 2004	Thanksgiving Day
November 26, 2004	Day After Thanksgiving
December 24, 2004	Christmas Day (Observed)

[Pa.B. Doc. No. 03-661. Filed for public inspection April 11, 2003, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania for the Year 2004; No. 144 Appellate Court Rules; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 25th day of March, 2003, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2004 as follows:

Pittsburgh (Administrative Session)	January 8
Philadelphia (Administrative Session)	February 12
Pittsburgh	March 1 through March 5
Philadelphia	April 13 through April 16
Harrisburg	May 11 through May 14
Pittsburgh (Administrative Session)	June 3
Pittsburgh	September 20 through September 24

Philadelphia	October 18 through October 22
Harrisburg	November 30 through December 3

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 03-662. Filed for public inspection April 11, 2003, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Kenneth Harrison Fails, II, having had his license to practice law in the Commonwealth of Virginia revoked by Order of the Virginia State Bar Disciplinary Board dated May 6, 2002, the Supreme Court of Pennsylvania issued an Order on March 25, 2003, disbaring Kenneth Harrison Fails, II, from the practice of law in this Commonwealth, effective April 24, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 03-663. Filed for public inspection April 11, 2003, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Gary Steven Melvin, having been Suspended from the practice of law in the State of Delaware for a period of eighteen months by Order of the Supreme Court of the State of Delaware dated October 7, 2002, the Supreme Court of Pennsylvania issued an Order on March 25, 2003, suspending Gary Steven Melvin from the practice of law in this Commonwealth for a period of eighteen months retroactive to October 6, 2002. In accordance with Rule 217 (f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 03-664. Filed for public inspection April 11, 2003, 9:00 a.m.]