

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

In Re: Adoption of Rule 233.1 of the Rules of Civil Procedure; No. 522; Civil Procedural Rules

Order

Per Curiam:

And Now, this 8th day of March, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 38 Pa.B. 5590 (October 11, 2008), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 955 No. 1):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 233.1 of the Pennsylvania Rules of Civil Procedure is adopted as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 8, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE PART I. GENERAL CHAPTER 200. BUSINESS OF COURTS

Rule 233.1. Frivolous Litigation. *Pro Se* Plaintiff. Motion to Dismiss.

(a) Upon the commencement of any action filed by a *pro se* plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that:

(1) the *pro se* plaintiff is alleging the same or related claims which the *pro se* plaintiff raised in a prior action against the same or related defendants; and

(2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.

(b) The court may stay the action while the motion is pending.

(c) Upon granting the motion and dismissing the action, the court may bar the *pro se* plaintiff from pursuing additional *pro se* litigation against the same or related defendants raising the same or related claims without leave of court.

(d) The court may *sua sponte* dismiss an action that is filed in violation of a court order entered under subdivision (c).

Official Note: A *pro se* party is not barred from raising counterclaims or claims against other parties in litigation that the *pro se* plaintiff did not institute.

(e) The provisions of this rule do not apply to actions under the rules of civil procedure governing family law actions.

Explanatory Comment

It has come to the attention of the Supreme Court that certain litigants are abusing the legal system by repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been

previously adjudicated either through settlement or through court proceedings. New Rule 233.1 provides relief to a defendant who has been subjected to this type of repetitive litigation. While attorneys are subject to the rules of disciplinary procedure, no analogous rule exists to curb this type of abuse when done by a *pro se* party.

Upon the filing of an action by a *pro se* plaintiff, a defendant may file a motion to dismiss a pending action provided that (1) the *pro se* plaintiff is alleging the same or related claims against the same or related defendants, and (2) the claims have already been resolved pursuant to a settlement agreement or a court proceeding. The new rule also gives the trial court discretion to bar the *pro se* litigant from filing further litigation against the same or related defendants raising the same or related claims without leave of court.

[Pa.B. Doc. No. 10-493. Filed for public inspection March 19, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Supplementing the Rules of Criminal Procedure; Promulgated by the Supreme Court of Pennsylvania

Table of Contents

L.R.Crim.P. 101	Construction
L.R.Crim.P. 102	Citing the Clarion County Procedural Rules
L.R.Crim.P. 103	Definitions
L.R.Crim.P. 104	Design of Forms
L.R.Crim.P. 106	Continuances
L.R.Crim.P. 114	Service of Orders and Court Notices
L.R.Crim.P. 117	Coverage—Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail
L.R.Crim.P. 120	Entry of Appearance
L.R.Crim.P. 131	Location of Preliminary Hearings; Central Court
L.R.Crim.P. 507(B)	Approval of Police Complaints by Attorney for the Commonwealth
L.R.Crim.P. 520	Bail Before Verdict
L.R.Crim.P. 528	Requirements for Real Estate Bail
L.R.Crim.P. 543	Local Scheduling Procedures
L.R.Crim.P. 570	Pretrial Conferences
L.R.Crim.P. 571	Arraignment
L.R.Crim.P. 579	Time for Omnibus Pretrial Motion and Service
L.R.Crim.P. 590.1	Plea Negotiations
L.R.Crim.P. 590.2	Last Day to Enter Negotiated Plea
L.R.Crim.P. 620	Waiver of Jury Trial

**Clarion County Local Rules of Criminal Procedure
Scope of Rules, Construction and Definitions**

Rule L.R.Crim.P. 101. Construction.

These rules shall be construed using the same rules of construction as are used in construing the Pennsylvania Rules of Criminal Procedure.

Rule L.R.Crim.P. 102. Citing the Clarion County Procedural Rules.

These rules shall be known as the Clarion County Rules of Criminal Procedure and shall be cited as "L.R.Crim.P."

Rule L.R.Crim.P. 103. Definitions.

The words and phrases when used in any L.R.Crim.P. shall have the same meaning ascribed to them in the Pennsylvania Rules of Criminal Procedure, unless specifically defined in a L.R.Crim.P.

Rule L.R.Crim.P. 104. Design of Forms.

The design of all forms used by the court pursuant to these Rules shall be determined by the court administrator of Clarion County in consultation with the president judge. Any forms contained in these local rules are for the convenience of the parties; the use of specific forms is not required as long as all the information required is provided in a filing.

Rule L.R.Crim.P. 106. Continuances.

(A) All motions for continuance shall be in writing and be signed by counsel for the moving party, or by an unrepresented defendant, and shall include a statement of the specific reason(s) for the request.

(1) The motion shall include a statement that the opposing counsel or unrepresented defendant has been made aware of the motion and either does not object or does object to a continuance, and the reasons for any objection.

(2) A motion for continuance shall be substantially in the form prescribed by Form 106.1 of these Rules.

(3) When appropriate, a motion for continuance shall have attached thereto a waiver of Pa.R.Crim.P. 600 signed by the defendant.

Form 106.1

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

COMMONWEALTH
OF PENNSYLVANIA

vs.

NO. _____ CR _____

MOTION FOR CONTINUANCE

AND NOW, _____, _____, comes the _____ by attorney, _____, and moves for a continuance as follows:

1. This case is scheduled for _____ hearing, or _____ argument, or _____ other (describe proceeding): _____ on _____, _____, at _____ m. before judge _____.

2. The other party is represented by _____.

3. The proceeding was scheduled by order or notice dated _____, _____.

4. The proceeding _____ has or _____ has not been previously continued. The party filing this motion has obtained a continuance _____ time(s).

5. A continuance is requested because: (If a continuance is requested because of a conflicting proceeding in another court, state: (1) the names of the parties, (2) the court, (3) the nature of the proceeding, (4) the date, time and expected duration of the proceeding, (5) the date of the order or notice scheduling the proceeding, (6) whether the party has moved for a continuance of that proceeding and the results of the motion, and (7) attach a copy of the order or notice. If a continuance is requested because of an unavailable witness, state: (1) the name of the witness, (2) the specific reason the witness is unavailable at the time scheduled, and (3) the length of time the witness will be unavailable.) _____

6. Check all that apply:

(a) Opposing counsel or unrepresented defendant has been made aware of this motion and does not object.

(b) Opposing counsel or unrepresented defendant has been made aware of this motion and does object for the following reason(s): _____

(c) Opposing counsel or unrepresented defendant has not been made aware of this motion for the following reason(s): _____

7. The proceeding, when heard, will not exceed _____ hours or _____ days.

8. I specifically request a continuance to the next available date.

Respectfully submitted,

Rule L.R.Crim.P. 114. Orders and Court Notices.

(B)(2) The clerk of courts shall serve all court orders, unless the court directs the court administrator to make service. When the court directs the court administrator to make service, the person serving the order shall mark clearly on the order the date and upon whom it was served and shall place his or her initials on the order. If no such notation is marked on the order at the time it is filed with the clerk of courts, the clerk of courts shall serve it.

When notices (not orders) are sent directly to criminal defendants, court administration and/or court staff shall be responsible for service and shall provide a copy of the notice to the clerk of courts for filing. Those instances in which defendants receive notice directly from the court include, but are not limited to, sentence and pleas court, criminal pre-trial conferences and summary appeal hearings.

(B)(3) When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney shall indicate whether service upon that attorney in the particular case will be permitted by the methods set forth in Pa.R.Crim.P. 114(B)(3)(a)(iv), relating to service in a designated courthouse mailbox, and/or Pa.R.Crim.P. 114(B)(3)(a)(vi), relating to service by facsimile, as provided in Form 120 of these rules.

Rule L.R.Crim.P. 117. Coverage—Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(A) All magisterial district court offices shall be open from 8 a.m. through 4 p.m. Monday through Friday except on those dates established as court holidays. The president judge may establish additional or alternate hours at any time in order to meet the needs of the public and the court. At any time a magisterial district judge is absent from his/her office during normal business hours, he/she shall arrange for coverage by another district judge of the 18th Judicial District.

(B) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection From Abuse Act and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) shall be in accordance with the traditional on-call system as presently established. The president judge shall assign a magisterial district judge to be responsible for the preparation of the on-call schedule. The magisterial district judge designated to prepare the on-call schedule shall supply a copy of that schedule to each magisterial district judge, Clarion County Office of Emergency Services, the District Attorney, the president judge and court administrator. Any changes to the established schedule shall be made in writing and provided to the same persons in receipt of the original on-call schedule.

(C) The on-call magisterial district judge shall be available without unreasonable delay at his or her established office or, at the discretion of the on-call magisterial district judge, advanced communication technology may be utilized in those instances where it is allowable by the Rules of Criminal Procedure. The on-call magisterial district judge shall be available from the close of business at 4:00 p.m. until the opening of business the following day at 8:00 a.m. Weekend on-call shall be from 4:00 p.m. on Friday through 8:00 a.m. on Monday. Holiday on-call shall begin at 4:00 p.m. the day before the holiday and end at 8:00 a.m. the business day following the holiday.

(D) Magisterial district judges, the clerk of courts and the warden of Clarion County Corrections, or his designee, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The warden of Clarion County Corrections or his designee will accept only monetary bonds; real estate bonds may only be posted through the clerk of courts or the magisterial district court offices.

Rule L.R.Crim.P. 120. Entry of Appearance.

The entry of appearance required by Pa.R.Crim.P. 120(A) shall be substantially in the following form:

Form 120

IN THE COURT OF COMMON PLEAS OF CLARION COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

vs. :

NO. _____ CR _____
(Case No.) (Year)
OTN: _____

(Name of Defendant)

Entry of Appearance

To the Clerk of Courts:

Please enter my appearance for the defendant in the above-captioned case.

Name and address of Attorney for Defendant:

Name: _____

Supreme Court ID No.: _____

Firm: _____

Address: _____

Phone No: _____

Fax No.: _____

Email Address: _____
(optional)

Check Applicable: Privately Retained
 Public Defender

Service is permitted by the following means:

- Assigned mailbox in the office of the clerk of courts
- Facsimile or Other Electronic Means

(Signature of Attorney for Defendant) (Date)

Rule L.R.Crim.P. 131. Location of Preliminary Hearing; Central Court.

Pursuant to the authority contained in Pa.R.Crim.P. 131(B), the president judge of the Court of Common Pleas of Clarion County, Pennsylvania, has determined that local conditions require the establishment of procedures whereby preliminary hearings in criminal cases, filed in all magisterial districts, shall be held at a central location. The president judge shall issue an administrative order designating the place and time for preliminary hearings. Said court shall hereinafter be referred to as Central Court.

The president judge may grant an exception to this general rule in cases where there are multiple defendants or where there are serious charges, at the request of the magisterial district judge in whose district the crimes allegedly occurred. The magisterial district judge shall provide the president judge with information to support the request, including the nature of the charges, the number of potential witnesses, the expected length of the hearing, any security concerns, and any other relevant factors. The president judge will then either grant or deny the request and communicate the decision in writing to all magisterial district judges. If possible, in cases involving more than one defendant, the magisterial district judge shall hold the hearings for co-defendants on the same date.

Rule L.R.Crim.P. 507(B). Approval of Police Complaints by Attorney for the Commonwealth.

The District Attorney of Clarion County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses:

Title 18 Use or Possession of Electric or
Section 908.1 Electronic Incapacitation Device (intent to commit felony)

Title 18 Manufacture, Distribution, Use or
Section 909 Possession of Devices for Theft of Telecommunications Services

Title 18 Section 910	Manufacture, etc. of Devices for Theft of Telecommunication Services	Title 18 Section 2905	Interference with Custody of Committed Persons
Title 18 Section 911	Corrupt Organizations	Title 18 Section 2906	Criminal Coercion
Title 18 Section 913	Possession of Firearm or Other Dangerous Weapon in Court Facility	Title 18 Section 2907	Disposition of Ransom
Title 18 Section 2102	Desecration of Flag	Title 18 Section 3121	Rape
Title 18 Section 2103	Insults to National or Commonwealth Flag	Title 18 Section 3122.1	Statutory Sexual Assault
Title 18 Section 2501	Criminal Homicide	Title 18 Section 3123	Involuntary, Deviate Sexual Intercourse
Title 18 Section 2502(a)	Murder, First Degree	Title 18 Section 3124.1	Sexual Assault
Title 18 Section 2502(b)	Murder, Second Degree	Title 18 Section 3124.2	Institutional Sexual Assault
Title 18 Section 2502(c)	Murder, Third Degree	Title 18 Section 3125	Aggravated Indecent Assault
Title 18 Section 2503	Manslaughter, Voluntary	Title 18 Section 3126(a)(4), (5), (6), (7), (8)	Indecent Assault
Title 18 Section 2504	Manslaughter, Involuntary	Title 18 Section 3129	Sexual Intercourse with Animal
Title 18 Section 2505	Causing or Aiding Suicide	Title 18 Section 3204	Medical Consultation and Judgment
Title 18 Section 2506	Drug Delivery Resulting in Death	Title 18 Section 3205	Informed Consent
Title 18 Section 2603	Criminal Homicide of Unborn Child	Title 18 Section 3206	Parental Consent
Title 18 Section 2604	Murder of an Unborn Child	Title 18 Section 3209	Spousal Notice
Title 18 Section 2605	Voluntary Manslaughter of an Unborn Child	Title 18 Section 3210	Determination of Gestational Age
Title 18 Section 2606	Aggravated Assault of an Unborn Child	Title 18 Section 3211	Abortion on Unborn Child of 24 or More Weeks Gestational Age
Title 18 Section 2701	Simple Assault Against Child 12 or under	Title 18 Section 3212	Infanticide
Title 18 Section 2702	Aggravated Assault	Title 18 Section 3213	Prohibited Acts
Title 18 Section 2704	Assault by Life Prisoner	Title 18 Section 3216	Fetal Experimentation
Title 18 Section 2708	Use of Tear or Noxious Gas in Labor Disputes	Title 18 Section 3218	Criminal Penalties
Title 18 Section 2710	Ethnic Intimidation	Title 18 Section 3301(a)(c)(f)	Arson and Related Offenses
Title 18 Section 2713	Neglect of Care-Dependent Person	Title 18 Section 3302	Catastrophe, Causing, or Risking
Title 18 Section 2714	Unauthorized Administration of Intoxicant	Title 18 Section 3303	Failure to Prevent Catastrophe
Title 18 Section 2715	Threat to Use Weapons of Mass Destruction	Title 18 Section 3502	Burglary (F1 only)
Title 18 Section 2716	Weapon of Mass Destruction	Title 18 Section 3701	Robbery
Title 18 Section 2901	Kidnapping	Title 18 Section 3702	Robbery of a Motor Vehicle
Title 18 Section 2904	Interference with the Custody of Children		

Title 18 Section 3921	Theft by Unlawful Taking (over \$25,000)	Title 18 Section 4305	Dealing in Infant Children
Title 18 Section 3922	Theft by Deception (over \$25,000)	Title 18 Section 4583.1	Aggravated Jury Tampering
Title 18 Section 3923	Theft by Extortion (over \$25,000)	Title 18 Section 4701	Bribery, Official and Political Matters
Title 18 Section 3924	Theft of Property Lost, Mislaid, or Delivered by Mistake (over \$25,000)	Title 18 Section 4702	Threats, Official and Political Matters
Title 18 Section 3925	Theft by Receiving Stolen Property (during disaster and/or over \$25,000)	Title 18 Section 4703	Retaliation for Past Official Action
Title 18 Section 3926	Theft of Services (over \$25,000)	Title 18 Section 4902	Perjury
Title 18 Section 3927	Theft by Failure to Make Required Disposition of Funds Received (over \$25,000)	Title 18 Section 4909	Witness Taking Bribe
Title 18 Section 3930	Theft of Trade Secrets by Force, Violence, or Burglary	Title 18 Section 4910	Tampering with or Fabricating Physical Evidence
Title 18 Section 3931	Theft of Unpublished Dramas and Musical Compositions	Title 18 Section 4952	Intimidation of Witnesses or Victims (Felonies only)
Title 18 Section 3932	Theft of Leased Property (over \$25,000)	Title 18 Section 4953	Retaliation Against Victim, Witness, or Party
Title 18 Section 3934	Theft from a Motor Vehicle (over \$25,000)	Title 18 Section 4953.1	Retaliation Against Prosecutor or Judicial Officer
Title 18 Section 4102	Simulating Objects of Antiquity, Rarity, etc.	Title 18 Section 5103	Unlawfully Listening into Deliberations of Jury
Title 18 Section 4103	Fraudulent Destruction, Removal or Concealment of Recordable Instruments	Title 18 Section 5106	Failure to Report Injuries by Firearm or Criminal Act
Title 18 Section 4105	Bad Checks (over \$75,000)	Title 18 Section 5108	Compounding
Title 18 Section 4106	Access device fraud (over \$25,000)	Title 18 Section 5109	Barratry
Title 18 Section 4107	Deceptive or Fraudulent Business Practices	Title 18 Section 5110	Contempt of General Assembly
Title 18 Section 4107.1	Deception Relating to Kosher Food Products	Title 18 Section 5111	Dealing in Proceeds of Unlawful Activities
Title 18 Section 4107.2	Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise	Title 18 Section 5301	Official Oppression
Title 18 Section 4108	Commercial Bribery and Breach of Duty	Title 18 Section 5302	Speculating or Wagering on Official Action or Information
Title 18 Section 4109	Rigging Public Contest	Title 18 Section 5508	Disrupting Meetings
Title 18 Section 4112	Receiving Deposits; Failed Institution	Title 18 Section 5509	Desecration or Sale of Venerated Objects
Title 18 Section 4116	Copying; Recording Devices	Title 18 Section 5510	Abuse of Corpse
Title 18 Section 4116.1	Unlawful Operation of Recording Device in Motion Picture Theater	Title 18 Section 5511.3	Assault with Biological Agents on Animals
Title 18 Section 4117	Insurance Fraud (over \$25,000)	Title 18 Section 5512	Lotteries
Title 18 Section 4120	Identity Theft (victim over 60, or total value over \$2,000)	Title 18 Section 5513	Gambling Devices
Title 18 Section 4301	Bigamy	Title 18 Section 5514	Pool Selling and Bookmaking
Title 18 Section 4302	Incest	Title 18 Section 5515	Prohibiting Paramilitary Training
Title 18 Section 4303	Concealing Death of Child	Title 18 Section 5516	Facsimile Weapons of Mass Destruction

Title 18 Section 5703	Interception, Disclosure or Use of Wire, Electronic or Oral Communications	Title 18 Section 7303	Sale or Illegal Use of Certain Solvents and Noxious Substances
Title 18 Section 5705	Possession, Sale, Distribution, Manufacture, or Advertisement of Interception Devices	Title 18 Section 7304	Illegal Sale or Use of Certain Fire Extinguishers
Title 18 Section 5903	Obscene and other Sexual Materials and Performances	Title 18 Section 7306	Incendiary Devices
Title 18 Section 5902	Prostitution and Related Offenses (Felonies only)	Title 18 Section 7307	Out of State Convict Made Goods
Title 18 Section 5904	Public Exhibition of Insane or Deformed Person	Title 18 Section 7308	Unlawful Advertising of Insurance Business
Title 18 Section 6110.1	Possession of Firearm by Minor	Title 18 Section 7309	Unlawful Coercion in Contracting Insurance
Title 18 Section 6111	Sale or Transfer of Firearms	Title 18 Section 7310	Furnishing Free Insurance
Title 18 Section 6115	Loans, Lending, Giving Firearms Prohibited	Title 18 Section 7311	Unlawful Collection Agency Practices
Title 18 Section 6142	Locking Device for Firearms	Title 18 Section 7312	Debt Pooling
Title 18 Section 6303	Sale of Starter Pistols	Title 18 Section 7313	Buying or Exchanging Federal Food Order Coupons, Stamps, Authorization Cards or Access Devices
Title 18 Section 6304	Sale and Use of Air Rifles	Title 18 Section 7314	Fraudulent Traffic in Food Orders
Title 18 Section 6312	Sexual Abuse of Children	Title 18 Section 7315	Unauthorized Disposition of Donated Food Commodities
Title 18 Section 6319	Solicitation of Minors to Traffic Drugs	Title 18 Section 7316	Keeping Bucket-Shop
Title 18 Section 6320	Sexual Exploitation of Children	Title 18 Section 7317	Accessories, Bucket-Shop
Title 18 Section 6703	Military Decorations	Title 18 Section 7318	Maintaining Bucket-Shop Premises
Title 18 Section 6704	Fraud on Association Having Grand Lodge	Title 18 Section 7319	Bucket-Shop Contracts
Title 18 Section 6707	False Registration of Domestic Animals	Title 18 Section 7321	Lie Detector Tests
Title 18 Section 6709	Use of Union Labels	Title 18 Section 7322	Demanding Property to Secure Employment
Title 18 Section 6710	Unauthorized Use of Registered Insignia	Title 18 Section 7323	Discrimination on Account of Uniform
Title 18 Section 6711	Retention of Military Property After Notice to Return	Title 18 Section 7324	Unlawful Sale of Dissertations, Thesis, Term papers
Title 18 Section 6712	Use of Carts, Cases, Trays, Baskets, Boxes, and Other Containers	Title 18 Section 7326	Disclosure of Confidential Tax Information
Title 18 Section 6901	Extension of Water Line	Title 18 Section 7328	Operation of Certain Establishments
Title 18 Section 6910	Unauthorized Sale of Tickets	Title 18 Section 7361	Worldly Employment or Business
Title 18 Section 7102	Drugs to Race Horses	Title 18 Section 7503	Interest of Certain Architects in Public Works Contracts
Title 18 Section 7103	Horse Racing	Title 18 Section 7504	Appointment of Special Police
Title 18 Section 7104	Fortune Telling	Title 18 Section 7505	Violation of Government Rules Regarding Traffic
Title 18 Section 7107	Unlawful Actions by Athlete Agents	Title 18 Section 7506	Violation of Rules Regarding Conduct on Commonwealth Property
Title 18 Section 7302	Sale and Labeling of Solidified Alcohol		

- Title 18
Section 7507 Breach of Privacy by Using a Psychological-Stress Evaluator, an Audio-Stress Monitor or a Similar Device without Consent
- Title 18
Section 7509 Furnishing Drug free urine
- Title 18
Section 7515 Contingent Compensation
- Title 18
Section 7611 Unlawful Use of Computer and Other Computer Crimes
- Title 18
Section 7612 Disruption of Service
- Title 18
Section 7613 Computer Theft
- Title 18
Section 7614 Unlawful Duplication
- Title 18
Section 7615 Computer Trespass
- Title 18
Section 7616 Distribution of Computer Virus
- Title 18
Section 7661 Unlawful Transmission of Electronic Mail
- Title 75
Section 3732 Homicide by Vehicle
- Title 75
Section 3735 Homicide by Vehicle while DUI
- Title 75
Section 3735.1 Aggravated Assault by Vehicle while DUI
- Title 75
Section 3742 Accidents Involving Death or Personal Injury (*felonies only*)
- Title 75
Section 3742.1 Accidents Involving Death or Personal Injury While Not Properly Licensed (*felonies only*)
- Title 35
Section 780-113(a)
- (1) Manufacture/Sale/Delivery of Adulterated Drug
 - (2) Adulteration of Controlled Substance
 - (3) False Advertisement
 - (4) Removal of Detained Substance
 - (5) Adulteration of Sellable Controlled Substance
 - (6) Forging ID Under Act
 - (7) Defraud Trademark
 - (8) Selling Defrauded Trademark
 - (9) Having Equipment to Defraud
 - (10) Illegal Sale of Nonproprietary Drug
 - (11) Illegal Pharmacy Operations
 - (12) Acquisition by Fraud-Heroin, Marijuana
 - (13) Dispense of Drugs to Drug Dependent Person
 - (14) Delivery by Practitioner
 - (15) Illegal Retail Sale
 - (17) Dispensing of Drugs without Label
 - (18) Illegal Sale Container
 - (19) Intentional Unauthorized Purchase
 - (20) Divulging Trade Secret
- (21) Failure to Keep Records
 - (22) Refusal of Inspection
 - (23) Unauthorized Removal of Seals
 - (24) Failure to Obtain License
 - (25) Manufacture by Unauthorized Party
 - (26) Distribution by Registrant of Controlled Substance
 - (27) Use of Fictitious Registration Number
 - (28) False Application Material
 - (29) Production of Counterfeit Trademarks
 - (30) Possession with Intent to Deliver
 - (34) Ad for Drug Paraphernalia
 - (35) Illegal Sale of Non-Controlled Substance
 - (36) Designer Drugs
 - (37) Possession of Steroids
 - (38) Unlawful Manufacture of Methamphetamine
- Title 42
Section 4583.1 Aggravated jury tampering
- shall not hereafter be accepted by any judicial officer unless the criminal complaint has the approval of an attorney for the Commonwealth prior to filing.
- Rule L.R.Crim.P. 520. Bail Before Verdict.**
- Monetary bond may be posted outside of regularly scheduled work hours with a magisterial district judge, the clerk of courts or the warden of Clarion County Corrections with the following provisions.
- (A) Bonds required prior to the verdict or other case disposition in the amount of ONE THOUSAND (\$1,000.00) DOLLARS and NO CENTS or less shall be posted with the warden at Clarion County Corrections.
- (B) Bonds required prior to verdict or other case disposition in the amount of more than ONE THOUSAND (\$1,000.00) DOLLARS and NO CENTS shall be posted with "on-call" magisterial district judge.
- (C) All property bonds must be posted during regular business hours with the clerk of courts of Clarion County.
- Rule L.R.Crim.P. 528. Requirements for Real Estate Bail.**
- (A) 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:
- (1) 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.
 - (2) The exact name(s) of the record title holder(s).
 - (3) 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.
 - (4) A list of all unpaid taxes due and owing.
 - (5) 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, here remains a sufficient amount of equity to cover the amount of the bond to be posted.

(B) The clerk of courts shall make the determination of whether the net value of the property is sufficient to satisfy the monetary condition. For property located outside the Commonwealth but within the United States, the clerk of courts may impose reasonable conditions designed to perfect a lien.

Rule L.R.Crim.P. 552. Local Scheduling Procedures.

(A) Annually, by the first day of December, the court administrator shall publish a case tracking 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 his or her preliminary hearing or is bound over following the preliminary hearing:

(1) The date of the court arraignment, which shall be the first available arraignment date at least 40 days after the preliminary hearing is held or waived.

(2) The date for the criminal conferences as required by L.R.Crim.P. L590.1.

(3) The date of the pretrial conference, which shall follow the final criminal conference and precede jury selection.

(4) The date representing Defendant's last day to enter a negotiated plea, as set forth in L.R.Crim.P. L590.2;

(5) The date of jury selection.

(B) The court administrator shall immediately, after publishing said schedule, provide copies to each sitting magisterial district judge, the district attorney's office, the public defender's office, and each member of the county criminal defense bar known to the court administrator. Copies shall also be available free of charge at all times in the court administrator's office.

(C) (1) At the time defendant is bound over to court or waives his preliminary hearing, the magisterial district judge shall complete a Case Tracking Information Form and distribute as indicated on the form.

(2) The Case Tracking Information Form shall set forth the date and time the defendant and his or her attorney must appear in Court for arraignment (unless waived), two criminal conferences as required by L.R.Crim.P. L590.1, the last date to enter a negotiated plea as set forth in L.R.Crim.P. L590.2, pretrial conference and jury selection. The dates established by the Case Tracking Information Form shall be deemed orders of court and may not be changed except by leave of court.

(3) The magisterial district judge shall orally advise the defendant and counsel of the time, date, and place of arraignment and that the failure to appear at such arraignment may result in the defendant's arrest and forfeiture of bond.

(4) The magisterial district judge shall require the defendant to sign the Case Tracking Information Form indicating the defendant is aware of the time and place of arraignment and of the obligation to appear at the arraignment and other proceedings noted thereon.

Rule L.R.Crim.P. 570. Pretrial Conference.

(A) The pretrial conference shall take place on the date set in the Case Tracking Information Form pursuant to L.R.Crim.P. L543(C)(2).

(B) The defendant shall attend the pretrial conference or be available by telephone at the time of the pretrial conference, unless the court excuses the defendant in advance.

(C) The court shall conduct the pretrial conference in accordance with Pa.R.Crim.P. 570. Counsel in attendance at the pretrial conference shall be prepared and authorized to address the following topics:

(1) the terms and procedures for pretrial discovery and inspection,

Comment: Commonwealth and defense counsel shall make a good faith effort to resolve all pretrial discovery and inspection issues prior to the pretrial conference.

(2) all motions including those for pretrial discovery and inspection,

(3) the simplification or stipulation of factual issues, including admissibility of evidence,

(4) the qualification of exhibits, such as pictures, documents, confessions, and records, as evidence to avoid unnecessary delay,

(5) the number of witnesses who are to give testimony of a cumulative nature,

(6) pleas to various counts of the information(s) and whether the jury should be informed of such pleas,

(7) the *nolle prosequi* or other disposition of some counts of the information(s),

(8) all objections or defenses which are capable of determination before trial,

Comment: The attorneys should raise the legal and evidentiary issues which may need to be resolved before or during trial which counsel know or reasonably should know about, and provide the court with legal authority in support of their positions.

(9) whether a defense of alibi, or insanity, or diminished responsibility resulting from other mental infirmity, or other defenses will be raised at trial, as to which appropriate rulings may be made,

(10) the time needed for completion of jury selection and trial and the date(s) of the trial,

Comment: Before the date of the pretrial conference, the attorneys shall communicate with each other and agree upon the number of days needed to complete the trial and select a trial date or dates from the list of available dates provided by the court.

(11) the availability of all persons who may testify at trial on the date(s) selected,

Comment: Before the date of the pretrial conference, the attorneys, or someone acting on their behalf, shall use all reasonable efforts to contact all potential witnesses and determine whether they are available to testify on the date(s) selected. If there is any issue concerning the availability of any witness, the attorney for the party who wants to call the witness shall raise the issue at the pretrial conference to be addressed by the court. If he or she fails to raise the issue, then the unavailability of a witness due to lack of notice and confirmation of his or her availability shall not be grounds for a continuance of the trial. This rule is not intended to change Pa.R.Crim.P. 573(C).

(12) any other matters which may aid in the disposition of the proceeding.

Comment: Before the date of the pretrial conference, the attorneys shall discuss the topics listed in L.R.

570(B)(1) through (12) and when possible, reach agreements which may aid in the disposition of the proceeding.

(D) Defendants who are not represented by counsel shall be required to comply with this Local Rule.

Rule L.R.Crim.P. 571. Arraignment.

(A) Arraignment shall be held in open court at such times designated by the court administrator in the annual case tracking schedule.

(B) Waiver of Appearance at Arraignment:

(1) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a waiver of arraignment in the clerk of courts office in the form prescribed by the court administrator. A copy of the waiver shall be served upon the district attorney pursuant to Pa.R.Crim.P. 576.

(2) If a written waiver of 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 L.R.Crim.P. 579. Time for Omnibus Pretrial Motion and Service.

(A) Any omnibus pretrial motion shall be filed within thirty (30) days after arraignment, or if arraignment is waived within thirty (30) days after the date set for arraignment.

(B) If an omnibus pretrial motion is not filed within thirty (30) days after arraignment, the defendant shall set forth in the motion the specific reasons it was not timely filed.

(C) If the reasons are not stated within the motion, the court may dismiss the motion for that reason alone.

Rule L.R.Crim.P. 590.1. Plea Negotiations.

(A) At the time a defendant either waives his preliminary hearing or is bound over following a preliminary hearing, he will be given two specific dates for criminal conferences based on the annual case tracking schedule published by the court administrator. Each conference shall be held at a location and at times designated by the court administrator. Defense counsel will be required to attend each conference in person, unless leave of court is obtained prior to the time of the conference. Defense counsel is not required to attend if the defendant has previously entered a plea of guilty or *nolo contendere*, a plea date is already scheduled, or the matter is being considered for ARD disposition.

(B) For each criminal conference:

(1) The district attorney shall have an attorney for the Commonwealth available with authority to discuss the case on behalf of the Commonwealth in each case. The attorney for the Commonwealth and defense counsel shall attend the conference at the designated location and discuss each case and, at the discretion of counsel, the defendant may participate in all or part of those discussions.

(2) At the end of the conference, a Criminal Conference Form, in a form set forth by the court administrator, shall be filled out and signed by the attorney for the Commonwealth and defense counsel. The original Criminal Conference Form shall be submitted to the court administrator by the district attorney's office. A copy of the form

shall be retained by the attorney for the Commonwealth and by defense counsel. After recording the necessary information from the forms, the court administrator shall deliver the original form to the clerk of courts office so that it may be filed in the official court file.

(3) Any plea reached at the conclusion of a criminal conference shall be entered before the court on a date set by the court administrator.

(4) A scheduled conference may not be continued until another date unless ordered by the court upon written motion filed by a party.

Rule L.R.Crim.P. 590.2. Last Day to Enter a Negotiated Plea.

(A) A deadline shall exist, after which the court will not accept a negotiated plea to a lesser or reduced offense except upon a showing of extraordinary circumstances. This deadline, known as the "last day to enter a negotiated plea," shall be published by the court administrator in its annual case tracking schedule prepared pursuant to L.R.Crim.P. L543. The last day to enter a negotiated plea shall be included on the Case Tracking Information Form issued to the defendant by the magisterial district judge pursuant to L.R.Crim.P. L543. If no plea agreement has been reached by the date set, the defendant shall (1) proceed to trial; or (2) enter an "open" plea as charged that is in no way a negotiated plea.

(B) The defendant, defense counsel, and an attorney for the Commonwealth with the authority to take a position on behalf of the Commonwealth shall appear in person in court on the last day to enter a negotiated plea.

(C) A colloquy form shall be presented to the judge at the time any plea is to be entered in open court with the agreement attached.

Rule L.R.Crim.P. 620. Waiver of Jury Trial.

The last day for a defendant to waive a jury trial shall be at the Pretrial Conference unless upon good cause shown the Court allows such a waiver after that date.

JAMES G. ARNER,
President Judge

[Pa.B. Doc. No. 10-494. Filed for public inspection March 19, 2010, 9:00 a.m.]

SCHUYLKILL COUNTY

**In Re: 237 Pa. Code Juvenile Rules Chapter 16;
Post-Dispositional Procedures; Administrative
Order 2010.1; No. AD-19-2010**

Administrative Order

And Now, this 27th day of January, 2010, at 8:30 a.m., pursuant to Pa.R.J.C.P. 1604.B, it is hereby *Ordered* that the Schuylkill County Civil Deputy Court Administrator is appointed as the Court Designee to receive and distribute all submitted reports.

The Court Administrator is directed to:

- 1) File one (1) certified copy of the local rule with the Administrative Office of the Pennsylvania Courts; and
- 2) Submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:
 - a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

3) Publish a copy of the local rule on the Unified Judicial System Portal at <http://ujportal.us/local/rules/ruleselection.aspx>.

4) Keep continuously available for public inspection and copying in the office of the Clerk of Courts.

This Order shall become effective 30 days after publication of the rule on the Unified Judicial System Portal and in the *Pennsylvania Bulletin*.

By The Court

WILLIAM E. BALDWIN,
President Judge

[Pa.B. Doc. No. 10-495. Filed for public inspection March 19, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Nathaniel Sims having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided November 10, 2004, the Supreme Court of Pennsylvania issued an Order on March 3, 2010, disbaring Nathaniel Sims from the Bar of this Commonwealth, effective April 2, 2010. 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,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-496. Filed for public inspection March 19, 2010, 9:00 a.m.]