

THE COURTS

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule of Criminal Procedure 506.1; Filing Procedure for Private Criminal Complaints Alleging Indirect Criminal Contempt Arising from Violation of PFA Order or Court-Approved Consent Decree; 1209-12

Order

And Now this 15th day of October, 2012, *It Is Hereby Ordered* that pursuant to the mandate set forth at 23 Pa.C.S. § 6113.1(b), the Procedure in Clinton County, Pennsylvania, for filing and serving a private criminal Complaint, the authority for which is afforded by 23 Pa.C.S. § 6113.1(a) of the Protection from Abuse Act, is hereby prescribed as follows:

A private criminal Complaint, authored and executed by a plaintiff/affiant, who is identified as the victim, abused party, or protectee named in an active protection Order or Court-approved consent decree under the Protection from Abuse Act or a valid foreign protection Order, shall be completed in its entirety by said plaintiff/affiant and, upon completion, presented to the Office of the District Attorney for approval in a manner consistent with Pa.R.Crim.P. 506 (relating to Approval of Private Complaints, generally). The District Attorney shall deliberate and either approve or disapprove of the Complaint without undue delay. If the District Attorney approves the Complaint, he shall file it with the appropriate issuing authority. If the District Attorney does not approve the Complaint, the District Attorney shall state the reasons on the face of the Complaint form and return it to the plaintiff/affiant. Thereafter, the plaintiff/affiant may petition the Clinton County Court of Common Pleas for review of the District Attorney's decision.

Pursuant to the terms of 23 Pa.C.S. § 6113.1(b), no fees or costs associated with the prosecution of the private Complaint, filing or service may be assessed against the plaintiff/affiant at any stage of the proceeding, except upon a showing that plaintiff/affiant acted in bad faith. See 23 Pa.C.S. § 6117(b).

This Rule shall become effective thirty (30) days from the date of its publication in the *Pennsylvania Bulletin*.

By the Court

J. MICHAEL WILLIAMSON,
President Judge

[Pa.B. Doc. No. 12-2094. Filed for public inspection October 26, 2012, 9:00 a.m.]

FAYETTE COUNTY

Administrative Order Booking Center; Criminal Division No. 1 AD 2009

Administrative Order

And Now, this 4th day of October, 2012, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure,

it is hereby ordered that Administrative Order 1 AD 2009 is hereby amended and adopted to read as follows.

The Clerk of Courts is directed as follows:

(1) One certified copy of the order and program shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the order and program and one copy of the written notification received from the Criminal Rules Committee and the Juvenile Court Procedural Rules Committee shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

By the Court

GERALD R. SOLOMON,
President Judge

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY

Criminal Division

IN RE: Booking Center
processing fee

:
: NO. 1 AD 2009

Amended Administrative Order

And Now, this 4th day of October 2012, it is Hereby Ordered, that the Court of Fayette County adopts a countywide Regional Booking Center (RBC) procedures plan as set forth herein.

1. The Regional Booking Center (RBC) is to be located at the Uniontown Police Department.

2. The purpose of the RBC is to efficiently process defendants charged with criminal actions. The process shall include, but not limited to, fingerprinting, photographing and determining prior records of defendants being processed.

3. In all cases in which the defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police at the Fayette County Regional Booking Center, (RBC), located in the Uniontown Police Department or at such other locations designated, in writing, by the President Judge of Fayette County Court of Common Pleas, for fingerprinting and processing.

4. Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Fayette County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

5. In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the defendant to report to the RBC to be fingerprinted and photographed.

6. In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

7. A booking fee of \$300.00 shall be assessed and collected by the Fayette County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

8. This fee will not apply to those defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

9. Any juvenile with a case that has resulted in a disposition of a Consent Decree or Adjudication of Delinquency shall be fingerprinted and photographed; a fee of \$300.00 shall be assessed for processing. The Juvenile Probation Office shall oversee the collections of said fee.

10. Private Citizens shall be assessed a cost of \$25.00 for all non-criminal electronic printing and/or photos.

11. The RBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, ET. Seq., commonly known as "Megan's Law," pursuant to 42 Pa.C.S.A. § 9795.2 (d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1

President Judge Gerald R. Solomon

Note: Administrative Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*

[Pa.B. Doc. No. 12-2095. Filed for public inspection October 26, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Maxwell David McIntosh, having been suspended from the practice of law in the United States Court of Appeals for the Third Circuit for a period of 1 year by Order of that Court dated February 6, 2012; the Supreme Court of Pennsylvania issued an

Order dated October 11, 2012, suspending Maxwell David McIntosh from the practice of law in this Commonwealth for a period of 1 year, effective November 10, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 12-2096. Filed for public inspection October 26, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Edward Bissau Mendy, having been suspended from the practice of law in the State of Louisiana for a period of 3 years by Decree of the Supreme Court of Louisiana dated February 17, 2012; the Supreme Court of Pennsylvania issued an Order dated October 11, 2012, suspending Edward Bissau Mendy from the practice of law in this Commonwealth for a period of 3 years, effective November 10, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 12-2097. Filed for public inspection October 26, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Scot D. Rosenthal, having been suspended from the practice of law in the State of New Jersey for a period of 1 year by Order of the Supreme Court of New Jersey dated January 4, 2012; the Supreme Court of Pennsylvania issued an Order dated October 11, 2012, suspending Scot D. Rosenthal from the practice of law in this Commonwealth for a period of 1 year, effective November 10, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 12-2098. Filed for public inspection October 26, 2012, 9:00 a.m.]