

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 19 ]

#### Order Amending Rule 1941 of the Rules of Appellate Procedure; No. 272 Appellate Procedural Rules Doc.

##### Order

*Per Curiam*

And Now, this 19th day of October, 2017, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a) in the interest of efficient administration:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1941 of the Pennsylvania Rules of Appellate Procedure is amended in the following form.

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

##### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

#### REVIEW OF DEATH SENTENCES

#### Rule 1941. Review of Sufficiency of the Evidence and the Propriety of the Penalty in Death Penalty Appeals.

(a) *Procedure in trial court.*—Upon the entry of a sentence subject to 42 Pa.C.S. § 9711(h) (review of death sentence) the court shall direct the official court reporter and the clerk to proceed under this chapter as if a notice of appeal had been filed 20 days after the date of entry of the sentence of death, and the clerk shall immediately give written notice of the entry of the sentence [ **to the Administrative Office and** ] to the Supreme Court Prothonotary's Office. The clerk shall insert at the head of the list of documents required by Pa.R.A.P. 1931(c) a statement to the effect that the papers are transmitted under this rule from a sentence of death.

(b) *Filing and docketing in the Supreme Court.*—Upon receipt by the Prothonotary of the Supreme Court of the record of a matter subject to this rule, the Prothonotary shall immediately:

1. Enter the matter upon the docket as an appeal, with the defendant indicated as the appellant and the Commonwealth indicated as the appellee.

2. File the record in the Supreme Court.

3. Give written notice of the docket number assignment in person or by first class mail to the clerk of the trial court.

4. Give notice to all parties [ **and the Administrative Office** ] of the docket number assignment and the date on which the record was filed in the Supreme Court, and give notice to all parties of the date, if any, specially fixed by the Prothonotary pursuant to Pa.R.A.P. 2185(b) for the filing of the brief of the appellant.

(c) *Further proceedings.*—Except as required by Pa.R.A.P. 2189 or by statute, a matter subject to this rule shall proceed after docketing in the same manner as other appeals in the Supreme Court.

**Official Note:** Formerly the Act of February 15, 1870 (P.L. 15, [ **No. 6** ] § 2) required the appellate court to review the sufficiency of the evidence in certain homicide cases regardless of the failure of the appellant to challenge the matter. *See, e.g., Commonwealth v. Santiago*, 382 A.2d 1200, **1201** (Pa. 1978). Pa.R.A.P. 302 now provides otherwise with respect to homicide cases generally. However, under paragraph (c) of this rule the procedure for automatic review of capital cases provided by 42 Pa.C.S. § 9711(h) (review of death sentence) will permit an independent review of the sufficiency of the evidence in such cases. In capital cases, the Supreme Court has jurisdiction to hear a direct appeal and will automatically review (1) the sufficiency of the evidence “to sustain a conviction for first-degree murder in every case in which the death penalty has been imposed;” (2) the sufficiency of the evidence to support the finding of at least one aggravating circumstance set forth in 42 Pa.C.S. § 9711(d); and (3) the imposition of the sentence of death to ensure that it was not the product of passion, prejudice, or any other arbitrary factor. *Commonwealth v. Mitchell*, 902 A.2d 430, 444, 468 (Pa. 2006); 42 Pa.C.S. § [ **722** ] **722(4)**; 42 Pa.C.S. § 9711(h)(1), (3). Any other issues from the proceedings that resulted in the sentence of death may be reviewed only if they have been preserved and if the defendant files a timely notice of appeal.

Likewise, although Pa.R.A.P. 702(b) vests jurisdiction in the Supreme Court over appeals from sentences imposed on a defendant for lesser offenses as a result of the same criminal episode or transaction where the offense is tried with the capital offense, the appeal from the lesser offenses is not automatic. Thus the right to appeal the judgment of sentence on a lesser offense will be lost unless all requisite steps are taken, including preservation of issues (such as by filing post-trial motions) and filing a timely notice of appeal.

*See* Pa.R.A.P. 2189 for provisions specific to the production of a reproduced record in cases involving the death penalty.

[Pa.B. Doc. No. 17-1801. Filed for public inspection November 3, 2017, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## BUTLER COUNTY

### Appointment of Master in Orphans' Court; MsD: 2 of 2017

#### Administrative Order of Court

*And Now*, this 18th day of October, 2017, the Court orders and directs that the Administrative Order of Court dated October 4, 2017 related to the appointment of a Master in Orphans' Court be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective on January 1, 2018.

It is finally ordered that in accordance with Pa.R.J.A 103 that the District Court Administrator shall:

(a) File one copy hereof with the Administrative Office of Pennsylvania Courts,

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Deliver a copy of the Administrative Order related to the Appointment of Master in Orphan's Court to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(e) Publish this Administrative Order on the Butler County Court website.

(f) File a copy of the Administrative Order in the Butler County office of the Clerk of the Orphans' Court for inspection and copying.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

#### ORPHANS' COURT DIVISION

### Appointment of Orphans' Court Master; MsD: No. 2 of 2017

#### Administrative Order of Court

*And Now*, this 4th day of October, 2017, upon its own motion, and pursuant to 20 Pa.C.S.A. § 751(1), the Court hereby appoints Victor Vouga, Esquire, to serve at the pleasure of the Court in the capacity of Orphans' Court Master.

The Administrative Order of Court dated August 31, 2017 related to the appointment of an Orphans' Court Master is herewith vacated.

When the Trial Court determines that the parties in a matter assigned to the Master by the Court are unable to pay the Master's fees, upon presentation of an invoice, detailing the Master's time associated with the underlying proceeding, and the issuance of a subsequent Order of

Court, the County of Butler, Pennsylvania, shall pay the Orphans' Court Master at the rate of Ninety Dollars (\$90.00) per hour.

This Order shall be effective on January 1, 2018.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

[Pa.B. Doc. No. 17-1802. Filed for public inspection November 3, 2017, 9:00 a.m.]

## BUTLER COUNTY

### Fee Schedule for Domestic Relations; DRS MsD No. 041-2017

#### Administrative Order of Court

*And Now*, this 19th day of October, 2017, the Court orders and directs that the Administrative Order of Court dated October 5, 2017 related to the creation of a Fee Schedule for Domestic Relations be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective on January 2, 2018.

It is finally ordered that in accordance with Pa.R.J.A 103 that the District Court Administrator shall:

(a) File one copy hereof with the Administrative Office of Pennsylvania Courts,

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Deliver a copy of the Administrative Order related to the Fee Schedule for Domestic Relations to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(e) Publish this Administrative Order on the Butler County Court website.

(f) File a copy of the Administrative Order in the Butler County Domestic Relations Office for inspection and copying.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

#### DOMESTIC RELATIONS SECTION

### Fee Schedule for Domestic Relations Section; Family Support Court; DRS MsD No. 041-2017

#### Administrative Order of Court

*And Now*, this 5th day of October, 2017, pursuant to Local Rule L1910-12 the Court hereby establishes the following fee schedule for the Domestic Relations Section of the Court of Common Pleas of Butler County, Pennsylvania, effective January 1, 2018.

Return of NSF check	\$25.00
Lien Certificate (per name)	\$10.00
Audit of DRS account	\$50.00
Photocopies (per page)	\$00.25

Fees will be assessed for the following services based upon DRS and Adult Probation Policy:

Electronic Monitoring  
Drug Screening  
Supervision Fee

*By the Court*

THOMAS J. DOERR,  
*President Judge*

[Pa.B. Doc. No. 17-1803. Filed for public inspection November 3, 2017, 9:00 a.m.]

## SNYDER COUNTY

### Judicial Administration; CP-55-AD-0000004-2017

#### Order

And Now, this October 4th, 2017, it is Ordered, to be effective 30 days after publication in the *PA Bulletin*, the Union/Snyder County Court of Common Pleas adopts the following local rules governing amendment of Rules 17CV216.2, 17CV1915.3, 17CR106.2 and abolishment of Rules 17CV1901—1901.5 and 17CV206.4(c) for the 17th Judicial District. The forms referenced in 17CR106.2, 17CV216.2, and 17CV1915.3 shall be available on the court's website.

The Snyder/Union County District Court Administrator is Ordered to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Union/Snyder County Court website at [www.snydercounty.org](http://www.snydercounty.org) and [www.unioncountypa.org](http://www.unioncountypa.org).
4. Incorporation of the local rule into the set of local rules on [www.snydercounty.org](http://www.snydercounty.org) and [www.unioncountypa.org](http://www.unioncountypa.org) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

*By the Court*

MICHAEL T. HUDOCK,  
*President Judge*

#### 17CV216.2. Form of Motion.

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

#### 17CV1915.3. Custody Petitions and Procedure.

A. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall be processed in accordance with 17CV1915.3, et seq.

B. As part of the pre-trial procedures, the Court Administrator shall refer all custody-related complaints or petitions, other than a petition for special relief, to mediation at the Susquehanna Valley Mediation Service and the Kids First program.

C. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall include a form order referring the matter to mediation. The form shall be provided by the Court Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

D. Upon receipt of notice that the parties did not resolve the matter through mediation and that the parties have attended Kids First, the Court shall refer the matter to the Custody Hearing Officer for the scheduling of the initial conference with the parties and their respective counsel.

E. Any pleading which requests the scheduling of a proceeding and also requests entry of a temporary order to maintain de facto custody provisions pending mediation or the initial conference shall set forth with specificity those facts supporting the request for the temporary custody order pending mediation or the initial conference.

#### 17CR106.2. Form of Motion.

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

**17CV206.4(c).** (This rule has been rescinded in its entirety.)

**17CV1901—1901.5.** (These rules have been rescinded in their entirety.)

[Pa.B. Doc. No. 17-1804. Filed for public inspection November 3, 2017, 9:00 a.m.]

## UNION COUNTY

### Judicial Administration; CP-60-AD-5-2017

#### Order

And Now, this October 4th, 2017, it is Ordered, to be effective 30 days after publication in the *PA Bulletin*, the Union/Snyder County Court of Common Pleas adopts the following local rules governing amendment of Rules 17CV216.2, 17CV1915.3, 17CR106.2 and abolishment of Rules 17CV1901—1901.5 and 17CV206.4(c) for the 17th Judicial District. The forms referenced in 17CR106.2, 17CV216.2, and 17CV1915.3 shall be available on the court's website.

The Snyder/Union County District Court Administrator is Ordered to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Union/Snyder County Court website at [www.snydercounty.org](http://www.snydercounty.org) and [www.unioncountypa.org](http://www.unioncountypa.org).
4. Incorporation of the local rule into the set of local rules on [www.snydercounty.org](http://www.snydercounty.org) and [www.unioncountypa.org](http://www.unioncountypa.org) within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

*By the Court*

MICHAEL T. HUDOCK,  
*President Judge*

**17CV216.2. Form of Motion.**

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

**17CV1915.3. Custody Petitions and Procedure.**

A. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall be processed in accordance with 17CV1915.3, et seq.

B. As part of the pre-trial procedures, the Court Administrator shall refer all custody-related complaints or petitions, other than a petition for special relief, to mediation at the Susquehanna Valley Mediation Service and the Kids First program.

C. All counts in a divorce complaint and all petitions relating to custody, partial custody, or visitation, of minor children shall include a form order referring the matter to mediation. The form shall be provided by the Court

Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

D. Upon receipt of notice that the parties did not resolve the matter through mediation and that the parties have attended Kids First, the Court shall refer the matter to the Custody Hearing Officer for the scheduling of the initial conference with the parties and their respective counsel.

E. Any pleading which requests the scheduling of a proceeding and also requests entry of a temporary order to maintain de facto custody provisions pending mediation or the initial conference shall set forth with specificity those facts supporting the request for the temporary custody order pending mediation or the initial conference.

**17CR106.2. Form of Motion.**

All requests for continuances shall be on forms provided by the Court Administrator, under the Court section of each county's website. Visit: [www.snydercounty.org](http://www.snydercounty.org) or [www.unioncountypa.org](http://www.unioncountypa.org).

**17CV206.4(c).** (This rule has been rescinded in its entirety.)

**17CV1901—1901.5.** (These rules have been rescinded in their entirety.)

[Pa.B. Doc. No. 17-1805. Filed for public inspection November 3, 2017, 9:00 a.m.]