

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 63]

Amendment of Section 4 of the Internal Operating Procedures of the Supreme Court; No. 505 Judicial Administration Doc.

Order

Per Curiam

And Now, this 4th day of October, 2018, it is Ordered that Section 4 of the Internal Operating Procedures of the Supreme Court is amended as set forth in the following form. The amendments shall be effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

§ 63.4. Opinions.

A. Circulation Schedule; Voting; Hold; Reassignment.

1. Preparation of Opinions.

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b. *Concurrences and Dissents.* Justices who are aligned as to the result should collaborate as much as possible to achieve a unified position in responsive opinions. Concurrences and dissents shall be circulated to all members of the Court within forty (40) days of the date [**on which votes**] **of the first scheduled vote** on the proposed majority [**opinions were due**] **opinion** in single-issue cases and serial capital PCRA appeals, within sixty (60) days in multiple-issue cases, within seventy-five (75) days in capital direct appeals, and within ninety (90) days in first capital PCRA cases. Matters may also be held for additional review by a Justice during these time periods. In Children’s Fast Track appeals, concurrences and dissents shall be circulated to all members of the Court within twenty (20) days of the date [**on which votes**] **of the first scheduled vote** on the proposed majority opinion [**were due**].

Due dates for responsive opinions are calculated from the date of the first scheduled vote on the original proposed majority opinion, regardless of whether the case is moved to a subsequent vote list by the circulation of a responsive opinion. Generally, the first scheduled vote date will remain the threshold date in the calculation, unless the proposed majority opinion is withdrawn or the substantive analysis and/or resolution is substantially altered via a revised opinion. In such instances, the time period is calculated from the date of the first scheduled vote on the revised majority opinion. A majority author’s mere defense of an already-existing analysis through revisions in the nature of rejoinder does not alter the time period for response.

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[Pa.B. Doc. No. 18-1612. Filed for public inspection October 19, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Local Rules of Criminal Procedure; AD80-18

Order of Court

And Now, this 9th day of October, 2018, at 3:30 p.m., the Schuylkill County Court of Common Pleas hereby amends Local Rules of Criminal Procedure No. 106, 120, 310, 319, 570, 590.1 and rescinds Rule No. 570.1, 579, 606, 704, 707, 708, 722 for use in the Schuylkill County Court of Common Pleas, Twenty-First Judicial District, effective 30 days after publication in the *Pennsylvania Bulletin*.

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

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us.

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at www.co.schuylkill.pa.us.

4) Incorporate the local rule into the set of local rules on www.co.schuylkill.pa.us within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Clerk of Courts for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,
President Judge

RULES OF CRIMINAL PROCEDURE

Rule 106. Continuances.

All motions for continuance of trial made before jury selection shall be in writing, on forms approved by the Court and served on the opposing party.

Rule 120. Duties of Counsel.

Every counsel of record in a criminal case shall be timely present for each hearing, conference or other court proceeding involving his or her client as scheduled pursuant to the provisions of these rules, or as the Court may otherwise direct. It shall further be the duty of counsel to promptly notify the client of the date, time, place and duty to be present at each proceeding involving the client’s case until such time as the case has been completed. Counsel who fail to comply with this rule may be subject to sanctions, including a finding of contempt.

Rule 310. Motion for A.R.D. Disposition.

When a defendant charged with Driving Under the Influence seeks disposition of the case by way of A.R.D., the District Attorney shall refer the defendant to an approved facility for examination and evaluation, and to the Adult Probation Department for an investigation of prior criminal history.

Reports prepared by the approved facility and the Adult Probation Department shall be delivered to the District Attorney and shall be subject to inspection by the District Attorney and defense counsel. Such reports shall become part of the defendant's probation department file. All such reports shall be submitted along with the necessary A.R.D. forms to the Criminal Court Administrator on the cutoff date for submission of paperwork for negotiated pleas as established by the published Court Calendar.

Rule 319. Procedure for Obtaining Dismissal and Expungement Order upon Successful Completion of A.R.D. Program.

(a) Whenever a defendant is placed under the Accelerated Rehabilitation Disposition Program and shall have satisfactorily completed the program and complied with its conditions, the Adult Probation Office shall notify the defendant in writing of his/her eligibility to petition the court for dismissal of the charges and expungement of the arrest record.

(b) A motion for dismissal of the charges and expungement of the arrest record shall be filed on a form approved by the court and available at the office of the Adult Probation Department. Every motion so filed shall include a certification from the Adult Probation Department that the defendant has satisfactorily completed the program and complied with all its conditions and shall further include a proposed order.

Rule 570.1. Certification of Trial List/Pre-Trial Conference.

[Rescinded]

Rule 570. Pre-Trial Conferences.

Upon the effective date of this rule, the District Attorney shall provide the Criminal Court Administrator with a list of criminal cases in which a criminal information has been filed and for which the District Attorney is requesting the Court to conduct a conference to determine the readiness of said cases for trial. The list may include all open cases which the District Attorney wants to list for trial and shall include all cases in which an information has been filed and six months have expired since the filing of the complaint. The District Attorney shall, on the first business day of each month, provide the Criminal Court Administrator with a supplemental list including those cases which have become six months old since the previous list was provided and such other cases for which the District Attorney is requesting a pretrial conference.

Rule 579. Time for Omnibus Pre-Trial Motions.

[Rescinded]

Rule 590.1. Pleas and Plea Agreements.

(a) The District Attorney shall prepare the sentencing guideline forms provided by the Court as soon as practicable after the informations are lodged, setting forth the sentences required by the guidelines if a plea of guilty is entered by the defendant, and shall forward this material to defense counsel. Counsel for defendants who wish to engage in plea negotiations shall promptly thereafter schedule a meeting with the District Attorney.

(b) If the parties arrive at a plea agreement, the defense counsel or defendant shall complete the form for entry of a written guilty plea available at the office of the District Attorney and promptly return it to that office. The District Attorney shall promptly attach to the written guilty plea a copy of the information against the defen-

dant, a report of the defendant's prior criminal record, and a list of maximum penalties and sentence guidelines for each charge. The District Attorney shall file the written guilty plea with attachments in the office of the Clerk of Courts, who shall promptly forward the guilty plea and attachments to the Criminal Court Administrator. When the charge is D.U.I., a copy of the CRN shall also be provided to the Court.

Each written guilty plea shall be accompanied by a "Guilty Plea Certification" completed and signed by the District Attorney and defense counsel, certifying to the Court that the defendant's guilty plea has not previously been presented to the Court, or specifying the date when the plea was presented and identifying the judge who rejected the plea. Counsel who fail to comply with this rule may be held in contempt of Court.

The Criminal Court Administrator shall assign all guilty pleas and motions for A.R.D. among the judges who will hear those cases. Except for a plea of guilty entered after commencement of trial, the Court shall accept no guilty plea or A.R.D. motion unless scheduled and assigned by the Criminal Court Administrator.

(c) All guilty pleas and motions for A.R.D. received by the Criminal Court Administrator shall be heard on one of the dates scheduled for guilty pleas in the published Court Calendar unless otherwise scheduled by the Court.

Rule 606. Judgment of Acquittal Motion.

[Rescinded]

Rule 704. Procedure at Sentencing.

[Rescinded]

Rule 707. Applications for Parole.

[Rescinded]

Rule 708. Post-Sentence Motions.

[Rescinded]

Rule 722. Petitions for Expungement.

[Rescinded]

[Pa.B. Doc. No. 18-1613. Filed for public inspection October 19, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Carl Louis Epstein having been suspended from the practice of law in the State of Indiana; the Supreme Court of Pennsylvania issued an Order dated October 4, 2018 suspending Carl Louis Epstein from the practice of law in this Commonwealth for a period of ninety days, effective November 3, 2018. 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*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1614. Filed for public inspection October 19, 2018, 9:00 a.m.]