

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Clean Slate Act—Offenses without Grade Information in CPCMS; No 02 of 2020

##### Order

*And Now*, this 21st day of January, 2020, it appearing that the automated sealing of eligible offenses, one of the goals of the Clean Slate Act, cannot be accomplished due to missing grade information in the electronic record of Philadelphia County's criminal cases migrated into the statewide Court of Common Pleas Case Management System (CPCMS) on September 17, 2006 it is *Ordered* and *Decreed* that the grade offense information residing in CPCMS shall be updated as provided as follows.

(1) Philadelphia cases with missing grade offense information in CPCMS shall be assigned a Proposed Grade as provided as follows:

(a) Charges listed below in cases with a docket number beginning with MC-51-CR, or CP-51-CR with missing grade information shall be assigned a Proposed Grade as noted in the chart as follows:

<i>Title</i>	<i>Section</i>	<i>Subsection</i>	<i>The arrest occurred on or after</i>	<i>The arrest occurred on or before</i>	<i>Proposed Grade</i>
18	2705	ANY	6/6/1973	09/17/2006	M2
18	2706	ANY	6/6/1973	8/26/2002	M1
18	2706	A1	2/14/2000	8/26/2002	M1
18	2706	A2	2/14/2000	8/26/2002	M1
18	2706	A3	2/14/2000	8/26/2002	M1
18	2709	ANY	6/6/1973	6/22/1993	S
18	2709	A1	6/6/1973	2/6/2003	S
18	2709	A1	2/7/2003	09/17/2006	S
18	2709	A2	6/6/1973	2/6/2003	S
18	2709	A2	2/7/2003	09/17/2006	S
18	2709	A3	6/6/1973	2/6/2003	S
18	2709	A3	2/7/2003	09/17/2006	S
18	2709	A4	2/7/2003	09/17/2006	M3
18	2709	A5	2/7/2003	09/17/2006	M3
18	2709	A6	2/7/2003	09/17/2006	M3
18	2709	A7	2/7/2003	09/17/2006	M3
18	2902	ANY	6/6/1973	12/19/2000	M1
18	2903	ANY	6/6/1973	12/19/2000	M2
18	3124	ANY	6/6/1973	5/29/1995	M2
18	3127	ANY	6/6/1973	5/29/1995	M2
18	3503	B.1	12/26/1995	09/17/2006	S
18	3503	B.2(1)(i)	12/3/1998	09/17/2006	M3
18	3503	B.2(1)(ii)	12/3/1998	09/17/2006	M2
18	3503	B1v	10/2/2002	09/17/2006	M1
18	3928	ANY	6/6/1973	09/17/2006	M2
18	3928	A	6/6/1973	09/17/2006	M2
18	4110	ANY	6/6/1973	09/17/2006	M2
18	4114	ANY	6/6/1973	09/17/2006	M2
18	4115	ANY	6/6/1973	09/17/2006	M2
18	4117	B	4/9/1990	09/17/2006	M1
18	4117	B1	4/9/1990	09/17/2006	M1
18	4117	B2	4/9/1990	09/17/2006	M1

<i>Title</i>	<i>Section</i>	<i>Subsection</i>	<i>The arrest occurred on or after</i>	<i>The arrest occurred on or before</i>	<i>Proposed Grade</i>
18	4117	B3	4/9/1990	09/17/2006	M1
18	4117	B4	2/20/1995	09/17/2006	M1
18	4304	ANY	6/6/1973	2/16/1989	M2
18	4304	ANY	2/17/1989	9/3/1995	M1
18	4904	A	6/6/1973	09/17/2006	M2
18	4904	B	6/6/1973	09/17/2006	M3
18	4910	ANY	6/6/1973	09/17/2006	M2
18	4912	ANY	6/6/1973	09/17/2006	M2
18	5101	ANY	6/6/1973	09/17/2006	M2
18	5104	ANY	6/6/1973	09/17/2006	M2
18	5901	ANY	6/6/1973	09/17/2006	M3
18	6105	ANY	6/6/1973	2/13/2000	M1
18	6105	A	10/11/1995	2/13/2000	M1
18	6105	A1	11/22/1995	2/13/2000	M1
18	6105	A2	11/22/1995	2/13/2000	M1
18	6106	ANY	6/6/1973	11/21/1995	M1
18	6106	A2	6/23/1997	09/17/2006	M1
18	6108	ANY	6/6/1973	09/17/2006	M1
18	6310.1	ANY	5/24/1988	09/17/2006	M3
18	907	ANY	6/6/1973	9/8/1996	M1
18	907	A	6/6/1973	09/17/2006	M1
18	907	B	6/6/1973	09/17/2006	M1
18	908	ANY	6/6/1973	09/17/2006	M1
18	912	ANY	12/15/1980	09/17/2006	M1
35	780-113	A16	4/14/1972	1/22/2000	M
35	780-113	A19	4/14/1972	09/17/2006	M
35	780-113	A31	4/14/1972	09/17/2006	M
35	780-113	A32	2/2/1981	09/17/2006	M

(b) cases with a docket number beginning with MC-51-CR, which were disposed of with a finding of guilt, a guilty plea, or entrance into a diversion program with guilty pleas, adjudications and ARD dispositions which meet the criteria in the below chart for title, section, subsection, and arrest date shall be assigned a Proposed Grade as noted in the chart as follows:

<i>Title</i>	<i>Section</i>	<i>Subsection</i>	<i>The arrest occurred on or after</i>	<i>The arrest occurred on or before</i>	<i>Proposed Grade</i>
18	2706	ANY	8/27/2002	09/17/2006	M1
18	2902	ANY	12/20/2000	09/17/2006	M1
18	2902	A	12/20/2000	09/17/2006	M1
18	2903	ANY	12/20/2000	09/17/2006	M2
18	4304	ANY	9/4/1995	09/17/2006	M1
35	780-113	A16	1/23/2000	09/17/2006	M

(c) cases with a docket number beginning with MC-51-SU with missing grade information wherein the offense occurred on or before September 17, 2006 shall be assigned a Proposed Grade of "Summary."

(2) Cases containing offenses with Proposed Grade information determined as provided in Section 1 previously will be transmitted to the Pennsylvania State Police for its review and inclusion in the central repository as appropriate.

(3) Unless otherwise provided by the Court, the process described previously shall commence on or about June 29, 2020 and shall be completed no later than June 30, 2021.

It is further *Ordered* and *Decreed*, however, that the proposed gradation of any offense determined as provided previously shall be superseded by the actual gradation as may be established by the existing case file, and corrective changes will be made as may be ordered by the Court on a case by case basis.

*By the Court*

HONORABLE IDEE C. FOX,  
*Chair, Administrative Governing Board  
 First Judicial District of Pennsylvania  
 President Judge, Court of Common Pleas  
 Philadelphia County*

[Pa.B. Doc. No. 20-180. Filed for public inspection February 7, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Adoption of Local Rule of Judicial Administration 1907.2\*—Montgomery County Constable Review Board; No. 2020-00001

##### Order

*And Now*, this 21st day of January, 2020, the Court hereby adopts Montgomery County Local Rule of Judicial Administration 1907.2\*—Montgomery County Constable Review Board. This Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

*By the Court*

THOMAS M. DeRICCI,  
*President Judge*

#### Local Rule of Judicial Administration 1907.2\*. Montgomery County Constable Review Board.

##### A. Purpose and Authority

1. The Montgomery County Constable Review Board (CRB) has been established to resolve allegations of misconduct against any Constable. As used herein, the term "Constable" includes any Deputy Constable.

2. This Local Rule is issued pursuant to the authority granted by Rule 1907.2 of the Pennsylvania Rules of Judicial Administration and the Constable Policies, Procedures and Standards of Conduct issued by the Administrative Office of Pennsylvania Courts (May 2013) and shall be construed in accordance with such Rule and Policies.

##### B. CRB Composition

1. The CRB shall be comprised of five (5) members:

a. A Judge of the Court of Common Pleas, who shall be appointed annually and serve at the pleasure of the President Judge. Such appointee shall serve as Chairperson.

b. A Member of the public who shall be appointed annually and serve at the pleasure of the President Judge.

c. A Magisterial District Judge who shall be appointed annually and serve at the pleasure of the President Judge.

d. A Certified Constable in Montgomery County, together with an alternate to serve in case of conflict, who shall be appointed by the President Judge annually in consultation with the leadership of the Montgomery County Constable Association and serve at the pleasure of the President Judge.

e. The Montgomery County District Court Administrator or his/her designee. Such member shall serve as Secretary of the Board and shall be responsible for maintaining the records of all proceedings of the Board.

2. The Chairperson shall be responsible for conducting, coordinating and overseeing the business of the CRB.

3. Any decision or action by the CRB must have the affirmative vote of at least three (3) members.

##### C. Filing Procedures—Public Complaint

1. Complaints concerning the professionalism or conduct of a Constable may be filed by any person on the Public Complaint Form appended hereto. Copies of the Public Complaint Form shall be made available at the offices of all Magisterial District Judges. Complaints must be filed within one year of the incident and may be filed at the office of a Magisterial District Judge or at the office of the Special Courts Administrator. Any complaint filed with the office of a Magisterial District Judge shall be promptly forwarded by such office to the Special Courts Administrator.

2. If a complaint is filed against a Constable, the Special Courts Administrator shall forward a date stamped copy of the complaint, together with a request for comment/response, to the Constable by first class mail. A copy shall also be delivered, in a sealed envelope, to the Controller's office for inclusion with the Constable's reimbursement check. If the Constable receives his/her reimbursement check by mail or direct deposit, then a copy of the complaint and request for comment/response shall be sent by certified mail, return receipt requested.

a. If notice is provided through the Controller's office, the Controller's office will have the Constable sign an acknowledgment of receipt. The signed acknowledgment shall be returned to the Special Courts Administrator.

b. The Constable will have fourteen (14) days to respond in writing to the CRB via the Special Courts Administrator if he/she chooses to do so.

c. The Constable's response shall be date stamped when received by the Special Courts Administrator and immediately forwarded to the CRB members.

d. The CRB shall have discretion to determine whether to send a copy of the Constable's response to the complaining party.

3. Failure of a Constable to respond to a written allegation and failure to appear before the CRB when requested will be interpreted as an admission of no contest to the allegation.

*D. Actions and Dispositions of the CRB and the President Judge*

1. The CRB shall receive, examine and investigate all filings submitted through the Special Courts Administrator.

2. The CRB may directly interview all parties involved. The CRB shall have discretion to determine whether to conduct a formal hearing on the matter.

3. The CRB shall have the authority to act, without the filing of a complaint, on any potential violations that may be discovered in the course of its investigation or that otherwise come to its attention.

4. A Recommended Decision by the CRB should be entered and forwarded to the President Judge within 60 days of the relevant filing in the Special Courts Administrator's office. Individual members of the CRB may submit separate opinions with the Recommended Decision of the Board.

5. A copy of the Recommended Decision shall be promptly sent by first-class mail to the affected Constable and to the complaining party. Accompanying the Recommended Decision shall be a summary of the provisions of paragraph 6 below, relating to review by the President Judge.

6. The President Judge shall have authority to approve, reject, modify, or dismiss the Recommended Decision. Any interested party shall have twenty-one (21) days from the date of the Recommended Decision to submit to the President Judge any exceptions to the Recommended Decision. In the absence of any exceptions, the President Judge may act on the Recommended Decision without further proceedings. If exceptions are timely filed, the President Judge shall act on the Recommended Decision and exceptions after such further proceedings, if any, as the President Judge deems appropriate.

7. Notwithstanding paragraph 6 above, if the CRB considers a matter to be urgent, it may recommend to the President Judge that immediate action be ordered pending the filing and disposition of any exceptions and the President Judge shall have discretion to act upon any such recommendation.

8. A copy of the decision of the President Judge shall be promptly sent by the Special Courts Administrator's office to the Constable and any public complainant by first-class mail or by such other means as the President Judge may direct.

9. In the event that the President Judge orders the suspension of a Constable, the Constable will not be authorized to perform services for the County of Montgomery, including any Court or political subdivision, for the specified time period. Upon receipt of the suspension notice, the Constable shall immediately return to all courts and agencies all warrants, writs, subpoenas, civil papers, to the proper issuing authority. Failure to do so promptly may be cause for further disciplinary action.

*E. Investigation of Petitions for Appointment*

1. Any Judge before whom a petition for appointment of a Constable is pending may refer the petition to the CRB to conduct such investigation of the petition as the Judge directs.

2. The CRB's report of its investigation shall be submitted to the referring Judge. The report shall not be made public or otherwise disclosed except as the Judge may direct.

[Pa.B. Doc. No. 20-181. Filed for public inspection February 7, 2020, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated January 23, 2020, Hercules Pappas (# 81511) whose office is in Haddonfield, NJ, is Suspended from the Bar of this Commonwealth for a period of one year and one day. 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*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 20-182. Filed for public inspection February 7, 2020, 9:00 a.m.]

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