

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. These amendments are reflected in the Superior Court Operating Procedures with amendments to Pa. Code §§ 65.2, 65.3, 65.7, and 65.12.

These changes were approved on June 30, 2022, effective on that date.

[Additions appear in boldface. Deletions are bracketed and boldface.]

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. OPERATING PROCEDURES OF THE SUPERIOR COURT

ADMINISTRATIVE OFFICES AND STAFF

§ 65.2. Prothonotary.

A. The Prothonotary is an officer of the Superior Court who is charged with the clerical duties and responsibilities of the business of the Court. The duties and responsibilities of the Prothonotary include but are not limited to:

1. keeping the records and seal of the Court;
2. issuing, processing, and entering judgments and orders at the direction of the Court;
3. certifying copies from the records of the Court;
4. scheduling all hearings and arguments before the Court, preparing the calendar, and coordinating judicial schedules;
5. supervising the collection of all fees collected by the Court and ensuring the proper receipt and distribution of such fees; overseeing the preparation of the Court's official record of proceedings, attesting to their accuracy, and providing for distribution;

[6. overseeing the preparation of the Court's official record of proceedings, attesting to their accuracy, and providing for distribution;]

6. [7.] promptly securing all records wherein appeals have been filed and, where provided by Rule of Appellate Procedure, dismissing an appeal for failure to comply with the Rules or Order of the Court;

7. prepare the daily judgment lists for the Reporter to post pursuant to O.P. 65.3.B; and

8. any other such duties as required by the Court.

B. Opinions filed with the Prothonotary are to be made available to the parties and the public promptly thereafter.

[Amended June 30, 2022, imd. effective]

§ 65.3. Reporter.

A. The Reporter shall be a member of the administrative staff of the Court whose duties and responsibilities include:

1. maintaining accurate journals and recording the votes and miscellaneous correspondence on all opinions, memoranda, and petitions for reargument for each case before the Court;

2. preparing statistical reports, in cooperation with the legal systems coordinator, which shall indicate the number of decisions rendered each year by the Court;

3. compiling assignment lists and records of the case assignments of the judges;

4. maintaining a record of all panels and compiling paperbooks which shall be kept until cases have been reported to the printer;

5. preparing and preserving for a reasonable period of time correspondence to and from the Superior Court printer[.]; **and**

6. preparing a digest to inform the Court of recent Supreme Court and en banc Superior Court decisions.

B. In conjunction with the Prothonotary's responsibility pursuant to O.P. 65.2.A.7, the Reporter shall verify and post the daily judgment lists of the Court.

[Amended June 30, 2022, imd. effective]

§ 65.7. Central Legal Staff.

Central Legal Staff is an office of the Court created for the purpose of assisting the Court in:

1. reviewing and processing motions;[,]

2. preparing memos for the Court as directed;[,]

3. screening cases;[,]

4. [certifying cases] **reviewing proposed decisions** to advise the Court of apparent conflicts **or of conflict-clearance**;[,], **preparing a newsletter to inform the Court of recent Supreme and Superior Court decisions,**] and

5. accepting such other responsibilities as may be assigned by the Court or the President Judge.

[Amended June 30, 2022, imd. effective]

§ 65.12. Initial Review of Docketing Statements.

Central Legal Staff is responsible for the screening of docketing statements filed pursuant to Pa.R.A.P. 3517. These statements are to be initially screened to determine if the appeal is jurisdictionally or procedurally defective. **Failure to file a timely docketing statement may result in dismissal of the appeal. However, [N] no appeal shall be subject to being quashed or dismissed on the basis of review of the completed docketing state-**

ment [review] alone; rather, if [a defect is apparent] **a potential defect is identified, a rule-to-show-cause order shall issue to the appellant as to why the appeal should not be quashed or dismissed [letter shall be addressed to counsel to verify same]**. Following notification to counsel, the appeal is subject to being quashed **or dismissed** by the assigned monthly motions judge.

[Amended June 30, 2022, imd. effective]

[Pa.B. Doc. No. 22-1139. Filed for public inspection July 29, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MIFFLIN COUNTY

Local Rule 700; CP-44-CV-2-2022

Order of Court

And now, this 20th day of July, 2022, the Court hereby adopts the following new Local Rules of Judicial Administration.

Rule 700. Sentencing Judge.

(A) Except as provided in paragraph (b), the judge who presided at the trial or who received the plea of guilty or nolo contendere shall impose sentence unless there are extraordinary circumstances which preclude the judge's presence. In such event, another judge shall be assigned to impose sentence.

(B) The supervision of a defendant serving a sentence may be transferred to a judge other than the original sentencing judge in any of the following situations:

(1) Whenever a substitution of judges shall enhance the efficient disposition of cases, and after a hearing, or when in writing, the defendant consents to supervision being transferred to another judge;

(2) The defendant is facing a new sentencing in front of a different judge on a separate case, and after a hearing or in writing, the defendant consents to supervision being transferred to the other judge; or

(3) There exist extraordinary circumstances, including death, incapacitation, or retirement, which preclude the presence of the original sentencing judge.

Comment: Local Rule 700(A) tracks Pa.R.Crim.P. 700(A). Pa.R.Crim.P. 700 also governs sentencings that result from a violation of probation or parole. See *Comm. v. McNeal*, 120 A.3d 313 (Pa. Super. 2015). Accordingly, Local Rule 700(B) flows from Pa.R.Crim.P. 700(B), which invites promulgation of local rules to expand the circumstances under which transfers from one judge to another may be made. Local Rule 700(B) reflects the recognition that transfers are appropriate under a variety of circumstances, including where, in order to consolidate a violation hearing in front of the "back judge" with the sentencing for a new case in front of a different judge.

By the Court

DAVID W. BARRON,
President Judge

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : CP-44-CR-

v. :

Defendant. :

CONSENT AND WAIVER

AND NOW, this ____ day of _____, 20 __, the above named Defendant, having previously entered guilty plea, or in the alternative, having been found guilty before the Honorable _____, does hereby acknowledge, agree, and consent to the sentencing by another judge, with the full and complete understanding that Defendant has the right to have their sentence imposed by their original judge.

BY THE COURT:

J.

[Pa.B. Doc. No. 22-1140. Filed for public inspection July 29, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Hearing

A Petition for Reinstatement to the active practice of law has been filed by Louis Alfred Piccone and will be the subject of a hearing on November 2 and 3, 2022 before a hearing committee designated by the Board. Anyone wishing to be heard in reference to this matter should contact the District II Office of the Disciplinary Board of the Supreme Court of Pennsylvania, Suite 170, 820 Adams Avenue, Trooper, Pennsylvania 19403, phone number (610) 650-8210, on or before October 19, 2022.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1141. Filed for public inspection July 29, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 17th Judicial District of the Commonwealth of Pennsylvania; No. 502 Magisterial Rules Docket

Order

Per Curiam

And Now, this 14th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 17th Judicial District (Snyder and Union

Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 17-3-01 and 17-3-02 within Union County and the realignment of Magisterial Districts 17-3-03 and 17-3-04 within Snyder County, to be effective November 1, 2022, is granted.

Said Magisterial Districts will be realigned as follows:

Magisterial District 17-3-01 Magisterial District Judge Jeffrey A. Rowe	East Buffalo Township Kelly Township Lewisburg Borough Union Township
Magisterial District 17-3-02 Magisterial District Judge Jeffrey L. Mensch	Buffalo Township Gregg Township Hartleton Borough Hartley Township Lewis Township Limestone Township Mifflinburg Borough New Berlin Borough West Buffalo Township White Deer Township
Magisterial District 17-3-03 Magisterial District Judge John H. Reed	Jackson Township Monroe Township Penn Township Selinsgrove Borough Shamokin Dam Borough
Magisterial District 17-3-04 Magisterial District Judge VACANT	Adams Township Beaver Township Beavertown Borough Center Township Chapman Township Franklin Township Freeburg Borough McClure Borough Middleburg Borough Middlecreek Township Perry Township Spring Township Union Township Washington Township West Beaver Township West Perry Township

[Pa.B. Doc. No. 22-1142. Filed for public inspection July 29, 2022, 9:00 a.m.]

Said Magisterial Districts will be reestablished as follows:

Magisterial District 34-3-01 Magisterial District Judge Jeffrey L. Hollister	Apolacon Township Auburn Township Bridgewater Township Choconut Township Dimock Township Forest Lake Township Franklin Township Friendsville Borough Jessup Township Liberty Township Little Meadows Borough Middletown Township Montrose Borough Rush Township Silver Lake Township Springville Township
Magisterial District 34-3-02 Magisterial District Judge Jodi L. Cordner	Ararat Township Great Bend Borough Great Bend Township Hallstead Borough Harmony Township Jackson Township Lanesboro Borough New Milford Borough New Milford Township Oakland Borough Oakland Township Susquehanna Depot Borough Thompson Borough Thompson Township
Magisterial District 34-3-03 Magisterial District Judge Suzanne M. Brainard	Brooklyn Township Clifford Township Forest City Borough Gibson Township Harford Township Herrick Township Hop Bottom Borough Lathrop Township Lenox Township Union Dale Borough

[Pa.B. Doc. No. 22-1143. Filed for public inspection July 29, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 34th Judicial District of the Commonwealth of Pennsylvania; No. 501 Magisterial Rules Docket

Order

Per Curiam

And Now, this 14th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 34th Judicial District (Susquehanna County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Susquehanna County as they currently exist, to be effective immediately, is granted.

SUPREME COURT

Reestablishment of the Magisterial Districts within the 56th Judicial District of the Commonwealth of Pennsylvania; No. 504 Magisterial Rules Docket

Order

Per Curiam

And Now, this 14th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 56th Judicial District (Carbon County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Carbon County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 56-3-01 Magisterial District Judge Eric M. Schrantz	Jim Thorpe Borough Lehighon Borough Mahoning Township (Voting District Packerton/Jamestown) Penn Forest Township Weissport Borough
Magisterial District 56-3-02 Magisterial District Judge William J. Kissner	Bowmanstown Borough Franklin Township Lower Towamensing Township Palmerston Borough Parryville Borough Towamensing Township
Magisterial District 56-3-03 Magisterial District Judge Casimir T. Kosciolk	East Penn Township Lansford Borough Mahoning Township (Voting Districts Mahoning & New Mahoning) Nesquehoning Borough Summit Hill Borough
Magisterial District 56-3-04 Magisterial District Judge Joseph D. Homanko, Sr.	Banks Township Beaver Meadows Borough East Side Borough Kidder Township Lausanne Township Lehigh Township Packer Township Weatherly Borough

[Pa.B. Doc. No. 22-1144. Filed for public inspection July 29, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 59th Judicial District of the Commonwealth of Pennsylvania; No. 503 Magisterial Rules Docket

Order

Per Curiam

And Now, this 14th day of July 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 59th Judicial District (Cameron and Elk Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial District 59-3-01 within Cameron County as it currently exists, to be effective immediately, is granted. It is further *Ordered and Decreed* that the Petition, which also provides for the reestablishment of the Magisterial Districts 59-3-02 and 59-3-03 within Elk County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 59-3-01 Magisterial District Judge Barry D. Brown, II	Driftwood Borough Emporium Borough Gibson Township Grove Township Lumber Township Portage Township Shippen Township
Magisterial District 59-3-02 Magisterial District Judge James L. Martin	Highland Township Horton Township Johnsonburg Borough Jones Township Millstone Township Ridgway Borough Ridgway Township Spring Creek Township
Magisterial District 59-3-03 Magisterial District Judge Mark S. Jacob	Benezette Township Fox Township Jay Township Saint Marys City

[Pa.B. Doc. No. 22-1145. Filed for public inspection July 29, 2022, 9:00 a.m.]