

CUMBERLAND COUNTY COURT OF COMMON PLEAS CENTRAL COURT PROCEDURES

I. INTRODUCTION

These Central Court Procedures have been approved by the Cumberland County Court of Common Pleas Board of Judges after having been prepared by, reviewed and approved by the Cumberland County elected Magisterial District Judges (MDJs), Court Administration, the District Attorney, Public Defender, Victim/Witness Coordinator, representative from the Cumberland County Bar Association and the Sheriff. The essence of these procedures is to streamline the Magisterial District Court (MDC) DUI case processing in order to preserve State, County, and Municipal resources without sacrificing the rights of criminal defendants.

II. GENERAL INFORMATION

1. All court cases involving DUI charges are to be submitted to Central Court.
 - a. For good cause, any party may request in writing to the originating MDJ that any case not be forwarded to Central Court.
 - i. These requests shall be considered the exception, not the general rule, and shall not be used to undermine Central Court.
 - ii. No good cause requests made to the Central Court Coordinator shall be considered.
 - iii. Such cases shall be reported to the Central Court Coordinator by the MDJ using the MDJ Retention of Case Request form.
 - b. Incarcerated defendants will not be included in Central Court.
2. The Central Court Coordinator shall develop a mechanism for the reporting and analyzing of cases not referred for Central Court.
3. For the purposes of Central Court, the presiding MDJs shall be specially assigned pursuant to Pa.R.Crim.Pro. Nos. 130(A)(6) and 132(A)(4). The assigned MDJs shall have county-wide jurisdiction necessary to effectuate the processing of cases for Central Court.
4. The use of video conferencing per Pa.R.Crim.P. No. 119 shall be utilized where permissible and only with the consent of the defendant. Any request for video conferencing shall be made to the Central Court Coordinator at least seven (7) days before the preliminary hearing.
5. Security for Central Court shall be the responsibility of the Cumberland County Sheriff.
6. Central Court shall be held at least twenty-two (22) times per year on Fridays and shall be presided over by two rotating MDJs. The MDJ rotation process for

Central Court will be established by the Court Administrator for President Judge special assignment and shall be coordinated with the on-call rotation policy for after normal business hours to avoid scheduling conflicts.

7. The Central Court schedule shall contain the block time, name of the defendant, docket number, originating MDJ office, attorney (if available), affiant, lead charge, Judge hearing the case, and a space for notes.
8. The Central Court Coordinator and one staff person from each of the presiding MDJs offices shall assist the MDJ during Central Court.
9. The staff personnel assisting at Central Court and the Central Court Coordinator shall have multi-court access to all magisterial district courts within Cumberland County.
10. There shall be a minimum of two (2) Assistant District Attorneys present at Central Court each week for the purpose of prosecution and involvement with possible serious discussions and negotiations with defense counsel and other parties involved with the case.
11. There shall be a minimum of two (2) Public Defenders or Assistant Public Defenders present at Central Court each week. Applications will be available to defendants provided by Central Court Coordinator, to determine qualification of defendants to receive representation from the Public Defender's Office. The Public Defender will take the necessary steps for immediate representation of qualified applicants.
12. Probation/Parole personnel will be available for defendants who make a plea and are sentenced at Central Court. Defendants will be directed to Probation/Parole for further instruction after sentencing.
13. Personnel from ARD will be available for those defendants who waive their preliminary hearing and are qualified for ARD. Defendants will be informed about the benefits of fast track ARD as opposed to having a preliminary hearing. After the waiver and ARD application are completed, the defendant will be directed to ARD personnel for further instruction.
14. Personnel from the Victim/Witness Office shall be available to address needs of such persons.
15. Absolutely **no cash** will be collected at the time of Central Court. Any bail and/or fines will be paid at the originating MDC or the Clerk of Courts Office depending on disposition.
16. MDJs will be responsible to bring their own reference material which may include an annotated Title 75 and Pennsylvania Criminal Justice book.

III. SCHEDULING:

1. Central Court dates shall be established in advance according to procedures for creating other Cumberland County Court dates, and shall be published on the Court's yearly calendar.
 - a. Notice of said dates shall be forwarded to all MDJ's, the District Attorney, the Public Defender, the Sheriff, PSP, Cumberland County Adult Correctional Complex, and all police departments within Cumberland County by the Central Court Coordinator.
2. Scheduling cases for Central Court shall be the responsibility of the originating MDJ office.
 - a. A range of file dates set forth by the Central Court Coordinator, that correspond with the Central Court Preliminary Hearing dates shall be given to each MDC.
3. The schedule shall consist of hourly "block times" allotted to each of the Magisterial District Courts in Cumberland County.
4. MDJ office block scheduling will be determined in accordance with the previous calendar year's number of criminal cases handled by each court as of November 1st. as follows:
 - a. The courts are scheduled into three time blocks and split according to case load to have equal amount of cases in each time block.
5. Original notification of date and time of preliminary hearing shall be provided to the defendant by the originating MDJ office.
6. Forms used, other than AOPC forms from the MDJS, shall be developed and implemented in the case processing by the Central Court Coordinator.
7. Requests for continuances shall be in writing.
 - a. Any requests for continuances prior to the date of Central Court shall be forwarded, by the Central Court Coordinator, to the President Judge for hearing and disposition.
 - b. Requests for continuances on the day of Central Court shall be determined by the presiding MDJ with full consideration given to the impact on victims/witnesses.
 - c. All requests for continuances shall be acted upon in accordance with Pa.R.Crim.P. 542.
8. Written notification of continuances granted shall be the responsibility of the Central Court Coordinator.
9. All written notifications of continuances shall be in accordance with Pa.R.Crim.P. 542.

10. Preliminary arraignments in DUI cases where a defendant is incarcerated, shall result in the preliminary hearing being set before the originating MDJ.
11. If the defendant is later released, the originating MDJ, where appropriate, will continue the preliminary hearing for inclusion in normal Central Court processing of the case.

IV. CASE PROCESSING

1. **Complaint by Summons:** When a complaint is filed in a MDC, the case shall be docketed and initially scheduled by that office.
 - a. The summons shall be sent to the defendant by the originating MDC notifying the defendant of a preliminary hearing in accordance with the applicable Pennsylvania Rules of Criminal Procedure.
2. Upon issuing a summons, the originating MDC shall schedule the preliminary hearing on the appropriate date for Central Court, according to the Central Court Schedule.
 - a. All case files, including the original copy, shall be maintained in the originating MDJ Office until the Thursday one week prior to the next Central Court Date.
 - b. At that time, the original case filings necessary for the preliminary hearing shall be forwarded to Central Court via appropriate mail service to arrive on the Monday prior to Central Court.
 - c. Any document received by the originating MDC after the case file has been sent to Central Court shall be sent promptly via facsimile or county secured file transfer (scanned documents) to the Central Court Coordinator prior to the date set for Central Court for that case.
3. **Arraignment of Defendant when Criminal Charges are Filed:** Defendants arraigned at the time criminal charges are filed shall have their preliminary hearing date scheduled for the next available Central Court date as per Pa.R.Crim.P. 540(F)(1)(a).
4. **Waiver of Preliminary Hearing After Case Has Been Sent To Central Court:** Once a case is forwarded to Central Court any early waivers, prior to the preliminary hearing, shall be coordinated by the Central Court Coordinator with the originating MDJ.

V. CASE DISPOSITION

1. **Preliminary Hearings:** Defendants who do not waive their preliminary hearing or plead guilty shall have their case remanded back to the originating MDJ for processing.
2. **Pleas at Preliminary Hearings:** Negotiations by counsel for the Commonwealth and defendant which result in the entry of a plea within the jurisdiction of the MDJ or outright dismissal of charges shall have the same priority as waivers.
3. **Waiver of Preliminary Hearing:** Defendants desiring to waive the right to a preliminary hearing at Central Court (as per applicable Pennsylvania Rules of Criminal Procedure) shall present their request to the presiding MDJ. They may also request to be approved for the ARD program. If approved for ARD defendant will be forwarded to ARD personnel for further instruction after waiver and ARD application are completed.
4. **Misdemeanors Reduced to Summary Charge:** If charges are reduced so that the most serious charge remaining is a summary offense, the presiding MDJ shall complete the disposition form.
 - a. All case materials shall be returned to the originating MDJ office by the Central Court Coordinator. Any fines, costs, or restitution shall then be collected by the originating MDJ office.
5. **Misdemeanors where MDJ has Jurisdiction to Accept a Plea:** The presiding MDJ shall comply with the jurisdictional limits set forth in 42 Pa.C.S.A. § 1515(6)(i)(A-D), and with all conditions provided in Pa.R.Crim.P. 550(A-E) when accepting pleas in Central Court. The MDJ shall sentence the defendant directly after accepting a plea. The defendant will then be forwarded to probation personnel for further instructions. The defendant will have thirty (30) days to change their plea.
6. The staff personnel assisting the presiding MDJ shall process any waiver forms, reduction of bail issues, bail bonds, commitment forms, or release forms into the MDJS. The staff personnel shall also enter dispositions in cases where the defendant pleads guilty.
7. The presiding MDJ shall utilize the Central Court Disposition Form for disposition outcomes to be entered by the Central Court Coordinator.
8. The Central Court Coordinator shall enter final disposition and forward the appropriate paper work back to the originating MDJ office.
9. If the defendant fails to appear for their preliminary hearing, the case will be remanded back to the originating MDJ

Edward E. Guido
President Judge

Date