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CIVIL LOCAL RULES

Local Rule 205.2 (a)--- Filing Pleadings and Other Legal Papers with the Prothonotary.

1. Filing of Documents:

(i) All documents filed in the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident, or mistake shall be conclusive evidence of such date and time of filing.

(ii) A proposed order shall accompany all motions or other requests for relief requiring action from a Judge.

(iii) No original documents shall be faxed to the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court. Facsimiles will not be accepted as original filings, absent specific permission of the Court Administrator's Office.

2. Form:

(i) All pleading, legal papers, affidavits, or other documents shall be printed in double space on single sided white paper size 8 1/2 X 11 inches and secured by an appropriate metal fastener. The use of a gummed or taped substance is not permitted. All exhibits attached shall be tabbed and labeled.

(ii) No paper shall be filed in any the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding, and the name of the paper.

(iii) All papers filed shall be endorsed with the name, address, telephone number, original signature and I.D. number of the attorney filing it or the name, address, original signature and telephone number of the party if there is no attorney.

(iv) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(v) All exhibits, papers and other documents attached to original pleadings shall be securely affixed at the top.

Local Rule 206.4 (c)--- Rule to Show Cause

1. A Rule to Show Cause shall be filed in the Pike County Prothonotary's Office, Issuance of a Rule to Show Cause shall be discretionary with the Court.
2. A proposed Order shall be attached to the Rule making it Returnable for Answer in twenty (20) days.
3. If no Answer is filed on or before that date set for Answer, the moving party may file a Motion to Make the Rule Absolute. Said Motion shall contain a Certificate of Service certifying the manner and date of service.
4. If the filing of an Answer resolves the need for an Argument, the moving party shall, prior to the Argument date, file a Praecipe to Withdraw Argument.

Local Rule 208.2 (c) --- Motion: Statement of Applicable Authority

All motions shall include a brief statement of applicable authority under which the motion is filed.

Local Rule 208.2 (d) --- Motion: Uncontested. Certification.

All uncontested motions shall include a certification, signed by counsel that the moving party served a copy of said motion and proposed order on all parties and that the motion is uncontested.

Local Rule 208.2 (e) --- Discovery :Certification

A party who files a Motion for Protective Order under Rule 4112 or a Motion to Compel Discovery under Rule 4011 or 4016, that has been objected to by the opposing party, shall certify in that motion, that counsel has conferred or attempted to confer with all interested parties in order to resolve the dispute. The moving party shall identify the parties who have not concurred in the motion. Opposing parties shall file a Response and supporting brief to the motion within twenty (20) days of service of the motion upon them.

Local Rule 208.3 (a) --- Motion Procedure

1. General Procedure
 - a. All motions shall be written, shall contain a caption setting forth the name of the Court, the number of the action, nature of the proceeding, names of the parties, the name and telephone numbers of the moving counsel, and the name of the party making the action.
 - b. All motions shall state whether a hearing or argument is requested, and the estimated length of time needed for the hearing or argument.
 - c. A proposed Order shall be attached to all motions.
 - d. An original and one copy shall be filed with the Prothonotary and a copy served on all other parties.
 - e. The Prothonotary shall forward the original motion to the Court Administrator's Office and shall retain the copy in the file.

Local Rule 227.3---Transcripts of Testimony

- A. Either party, may petition the Court to transcribe the record, or any portion thereof of any hearing or trial, at the completion of said hearing or trial. Oral Arguments shall not be transcribed.
- B. The formal Motion for Transcript shall be in writing and filed with the Prothonotary.
 - a. The Motion shall set forth the specific hearing and/or trial dates to be transcribed.
 - b. Copies of the Motion shall be delivered to:
 - i. The court reporter
 - ii. The district court administrator
 - iii. The opposing party, and
 - iv. In the case of an appeal, to the clerk of the appellate court.
- C. For an appeal, the transcript request shall be included as part of the notice of appeal, pursuant to Pa. R.A.P. 1911.
- D. Upon the Court's approval of the party's Motion for Transcript, the Court Reporter shall require a deposit of up to one-half of the estimated charge for the transcript as a condition precedent to starting transcription.
- E. Upon completion of the transcript, the Court Reporter shall request any balance due on the transcript. The Court Reporter may refuse to deliver the transcript until such balance is fully paid.
- F. The Completed transcript shall be filed with the Prothonotary of the Court, The certified copy shall be sent to the petitioning party.
- G. The reporter who takes the notes or monitors the recording of a proceeding shall certify in proper form the accuracy of the transcription.

Local Rule 230.2—Termination of Inactive Cases

- a. At the direction of the Court Administrator, the Prothonotary shall create a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. Upon creation of the list the Court Administrator shall serve notice to counsel of record and to the parties for whom no appearance has been entered, as provided by Pa. R.C.P. 230.2 (2).
- b. Parties receiving notice of the proposed termination of their case, as described in paragraph A may file a Statement of Intention to Proceed. The Statement of Intention to Proceed shall be filed with the Prothonotary within sixty (60) days from the date the Notice of Proposed Termination is filed. A copy of the Statement of Intention to Proceed shall be served upon the Court Administrator and the opposing party, or counsel, if represented.
- c. If no Statement of Intention to Proceed is filed within sixty (60) days of the Notice of Proposed Termination, the Prothonotary shall enter an order as of course, terminating the matter with prejudice for failure to prosecute.
- d. The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

It is hereby certified that, _____ intends to proceed with the above captioned matter.

Date: _____

Attorney for:

Local Rule 400.1 --- Person to Make Service

1. In Pike County, Pennsylvania, original process shall be served:
 - a. by the Sheriff or a competent adult in the actions in equity, partition, prevent waste, and declaratory judgment, when declaratory relief is the only relief sought, and
 - b. by the Sheriff in all other actions.

Local Rule 1028 (c) --- Preliminary Objections

1. All Preliminary Objections shall be filed in the Pike County Prothonotary's Office. The Prothonotary shall schedule Oral Argument for the next available Argument Day and notify all parties. The moving party shall file a brief simultaneous to the Preliminary Objections. The response brief must be filed twenty (20) days thereafter. In the event that an Amended Complaint is filed prior to Argument, the Argument will be stricken from the list.
2. The Court will consider decision on the briefs if all counsel consent to waive oral argument in writing and submit such request to the Court Administrator the Thursday prior to Argument Day. This shall not delay the filing of briefs. The Court may require oral argument in the case even if counsels agree to waive argument.

Local Rule 1034 (a) --- Motion for Judgment on the Pleadings

1. All Motions for Judgment on the Pleadings shall be filed in the Pike County Prothonotary's Office. The Prothonotary shall schedule Oral Argument for the next available Argument Day and notify all parties. The moving party shall file a brief simultaneous to the Motion. The response brief must be filed twenty (20) days thereafter.
2. The Court will consider decision on the briefs if all counsel consent to waive oral argument in writing and submit such request to the Court Administrator the Thursday prior to Argument Day. This shall not delay the filing of briefs. The Court may require oral argument in the case even if counsels agree to waive argument.

Local Rule 1035.2 (a) --- Motion for Summary Judgment

1. All Motions for Summary Judgment shall be filed in the Pike County Prothonotary's Office. The Prothonotary shall schedule Oral Argument for the next available Argument Day and notify all parties. The moving party shall file a brief simultaneous to the Motion. The response brief must be filed thirty (30) days thereafter.
2. The Court will consider decision on the briefs if all counsel consent to waive oral argument in writing and submit such request to the Court Administrator the Thursday prior to Argument Day. This shall not delay the filing of briefs. The Court may require oral argument in the case even if counsels agree to waive argument.

Local Rule 1301.1 ---Compulsory Arbitration. Cases for Submission

Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. § 101, et seq. shall apply to all cases at issue where the amount in controversy shall be ***Forty-Thousand Dollars (\$40,000)*** or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from jurisdiction of the board of arbitrators.

Local Rule 1915 --- Custody, Partial Custody and Visitation

- A. Claims for Custody: Whenever a Divorce Complaint containing a count for custody, a Custody Complaint or a Petition for Modification is filed, it shall contain a Cover Sheet, essentially in the attached format. The Prothonotary shall submit the Cover Sheet to the Court Administrator. Pursuant to the provisions of 23 Pa.C.S.A. §3902(a), an additional twenty dollar (\$20) filing fee is hereby imposed on Custody Complaints and Divorce Complaints containing a count for custody. After the filing of any of the above pleadings, each of the parties shall be ordered to attend the "Kids First" Program, or other similar program approved by the Court, cost to be borne by the parties. Failure by a party to comply with an Order of Court directing attendance at one of the programs, as set forth above, will result in the initiation of contempt proceedings against said party.
- B. Upon the filing of a Divorce Complaint containing a count for custody, a Custody Complaint, or a Petition for Modification of Custody, the parties shall be Ordered to attend an orientation session relative to resolving the dispute through a mediation process, pursuant to the provisions of Pa.R.C.P. §1940.3 and 23 Pa.C.S.A. § 3901(b). No orientation session shall take place if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within twenty-four (24) months preceding the filing of the action, pursuant to Pa.R.C.P. §1940.3(b), which shall be determined by the domestic violence answers on the Cover Sheet.
- C. For internal control and monitoring, all motions and petitions in custody actions shall be filed with the Prothonotary, for submission to the Court Administrator. Motions requiring immediate action shall be brought directly to the Court Administrator.
- D. Mediator shall encourage and supervise the formulation of settlement agreements between the parties. In the event the parties agree to mediation, each party shall bear the cost equally, in accordance with procedures established by the Court. The mediation shall be conducted in accordance with the provisions of Pa.R.C.P. §1940.1-1940.8.
- E. In the event the parties reach an agreement, the Mediator shall, within fourteen (14) days, prepare a Memorandum of Understanding(MOU), pursuant to the provisions of Pa.R.C.P. §1940(b). The Mediator shall then provide the parties, and/or their attorneys, the opportunity to meet with the Mediator to finalize the terms of the Memorandum of Understanding. In the event the parties, and/or their attorneys, agree that the MOU can be submitted to the Court,

the Mediator will do so and an Order approving the MOU will be entered. In the event the parties, and/or their attorneys, desire to prepare a more formal Settlement Agreement, it must be submitted to the Mediator, signed by each of the parties, within fourteen (14) days of the final mediation session with the parties, and/or their attorney. The Mediator shall then submit the Settlement Agreement to the Court with a recommendation. If a Settlement Agreement is not submitted within fourteen (14) days as aforesaid, and neither of the parties, and/or their attorneys, have objected to the terms of the MOU, said MOU will be submitted by the Mediator to the Court, with a recommendation that it be approved and made an Order of the Court.

In the event the parties, and/or their attorneys, before holding the final mediation session as set forth above, either submit a signed Settlement Agreement, or agree to the terms of the MOU, and agree that it can be submitted to the Court for approval, then the Mediator shall determine whether or not a final mediation session need be held.

- F. In the event no agreement is reached at the mediation, the Court shall appoint a Hearing Officer to conduct a hearing, which shall be recorded. The Hearing Officer shall file a Report and Recommendation and proposed Order with fifteen (15) days upon which the trial is concluded, unless extended by Court Order, for good cause shown. The Hearing Officer shall send a copy of the Report and Recommendation and proposed Order to each party or their counsel. If no Exceptions are filed within *twenty (20) days* of the filing of the report, the Prothonotary shall transmit the file for Court approval.
- G. Exceptions to the Hearing Officer's Report and Recommendation, and proposed Order, shall be in writing, and shall be filed with the Prothonotary, within *twenty (20) days* of the date of the Hearing Officer's Report. Upon the filing of Exceptions, the Prothonotary shall schedule the matter for argument on the next available argument date. A copy of the Exceptions shall be delivered to the Hearing Officer, and opposing counsel. All costs associated with the filing of Exceptions, including transcription costs, shall be borne by the party filing same.
- H. Upon certification from the Hearing Officer that the matter relates to Primary Custody and is outside the Hearing Officer's authority, pursuant to Pennsylvania Rule of Civil Procedure 1915.4-1A, a status conference in preparation for a De Novo Custody Trial, shall be

scheduled before the Trial Judge within sixty (60) days of the receipt of the Hearing Officer's Report and Recommendation.

A Status Conference/Pre-Trial Memo, in the attached format, shall be submitted by each party to the Trial Judge, and opposing counsel, at least five (5) days prior to a scheduled status conference. The Status Conference Memo shall be for the exclusive use of the Trial Judge, and shall not be made part of the record.

**PRIMARY CUSTODY PROCEEDINGS
CONFERENCE/PRE-TRIAL MEMO**

CASE NAME: _____ vs. _____
DOCKET #: _____
Attorney: _____ Representing: _____
Phone#: _____

*Status conference/ Pre-Trial Memos are to be served on the Court Administrator, 410 Broad Street, Milford, Pennsylvania 18337, and on opposing Counsel, at least five (5) days prior to the Status Conference. **This memo is for the use of the Trial Judge only, and will not be made part of the record.** Please check off all of the following that apply to your case and answer all questions completely.*

Names of Children & Ages: _____
When is(are) child(ren) with Mom? _____
When is (are) child(ren) with Dad? _____
What is the current visitation schedule? _____

How long do you anticipate this hearing to take? _____

Have evaluations been ordered? _____ Completed? _____

Are you prepared to go to hearing now? _____

Check off all of the following that are an issue in this custody action:

- | | | |
|--|---|---|
| <input type="checkbox"/> Holidays | <input type="checkbox"/> Vacations | |
| <input type="checkbox"/> Parenting Skills of Opposing Party | <input type="checkbox"/> Mental Stability | |
| <input type="checkbox"/> Home Suitability (i.e. - Furnishing; Cleanliness) | <input type="checkbox"/> Presence of Other Adults or Children in the Home | |
| <input type="checkbox"/> Physical Abuse | <input type="checkbox"/> Drug Abuse | <input type="checkbox"/> Alcohol Abuse |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Relocation | <input type="checkbox"/> Grandparent Visitation |
| <input type="checkbox"/> Other Issues | | |

Status of Collateral issues pending before this Court (give docket number & where it stands):

Divorce: _____

Support: _____

Partition of Property: _____

PFA Actions: _____

List Witnesses you wish to call ó

Partial (related by blood or marriage):

Impartial (teachers, neighbors, etc.):

YOU MAY ATTACH ADDITIONAL SHEETS IF NECESSARY!

**IN THE COURT OF COMMON PLEAS OF PIKE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ : Docket No. _____
 v. _____ : Custody Complaint }
 _____ : Modification of Custody } check one
 _____ : Divorce Complaint }

COVER SHEET

(To be attached to pleading - Fill out COMPLETELY including docket number!)

<p>1. PLAINTIFF</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone: _____</p> <p>Attorney: _____</p>	<p>DEFENDANT</p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone: _____</p> <p>Attorney: _____</p>
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2. Names and ages of all children involved; state with whom living:

3. Have you attended Kids First Class: Plaintiff _____ Defendant _____

4. (A) Status of current custody orders or custody arrangements:

(B) If a count for custody has been filed in a divorce complaint, is custody disputed?
 Yes No

5. Has there been any domestic violence between you and the other parent within the past twenty-four (24) months? Yes No Explain Briefly: _____

6. Have any of the children involved in this case been the subject of child abuse within the past twenty-four (24) months? Yes No Explain Briefly: _____

7. Have there been any Protection from Abuse Orders involving you and the other parent and/or children within the past twenty-four (24) months: Yes No Explain Briefly:

Submitted by:

Date Signed: _____

Counsel for: _____

O _____ M _____ C/H _____ MOU _____ FO _____ W/D _____

CRIMINAL LOCAL RULES

Local Rule 115---Transcripts of Testimony

- A. The Commonwealth or the Defendant may petition the Court to transcribe the record, or any portion thereof of any hearing or trial, at the completion of said hearing or trial.
- B. The formal Motion for Transcript shall be in writing and filed with the Prothonotary.
 - a. The Motion shall set forth the specific hearing and/or trial dates to be transcribed.
 - b. Copies of the Motion shall be delivered to:
 - i. The court reporter
 - ii. The district court administrator
 - iii. The opposing party, and
 - iv. In the case of an appeal, to the clerk of the appellate court.
- C. For an appeal, the transcript request shall be included as part of the notice of appeal, pursuant to Pa. R.A.P. 1911.
- D. Upon the Court's approval of the party's Motion for Transcript, the Court Reporter shall require a deposit of up to one-half of the estimated charge for the transcript as a condition precedent to starting transcription. The Commonwealth and Public Defenders shall be exempt from this requirement.
- E. Upon completion of the transcript, the Court Reporter shall request any balance due on the transcript. The Court Reporter may refuse to deliver the transcript until such balance is fully paid. The Commonwealth and Public Defenders shall be exempt from this requirement.
- F. The Completed transcript shall be filed with the Prothonotary of the Court, The certified copy shall be sent to the petitioning party.
- G. The reporter who takes the notes or monitors the recording of a proceeding shall certify in proper form the accuracy of the transcription.

Local Rule 117—Coverage: Issuing Warrants; Preliminary Arraignments; and Setting and Accepting Bail.

- (a) Magisterial District Judge Offices shall be open for regular business Monday through Friday, excluding holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.
- (b) Magisterial District Judges shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the issuance of warrants, the holding of preliminary arraignments, the setting and accepting of bail, and the issuance of emergency orders under the Protection from Abuse Act,

This rule shall be satisfied by the Magisterial District Judge remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator

- (c) An on-call Magisterial District Judge, while on-call, and the Clerk of Courts, during business hours, are authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

Local Rule 202 --- Approval Of Search Warrant Application By Attorney For The Commonwealth

The District Attorney having filed a certification, Search Warrants in all circumstance shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an Attorney for the Commonwealth, prior to filing.

**Local Rule 507 --- Approval Of Police Complaints And Arrest Warrant
Affidavits By Attorney For The Commonwealth**

The District Attorney having filed a certification, the approval by an Attorney for the Commonwealth is required prior to the filing of a criminal complaint and arrest warrant affidavit in the County of Pike, by any police officer charging any of the following offenses:

1. Criminal Homicide in violation of 18 Pa. C.S. §2501;
2. Murder in any degree in violation of 18 Pa. C.S. §2502;
3. Voluntary Manslaughter in violation of 18 Pa. C.S. § 2503;
4. Involuntary Manslaughter in violation of 18 Pa. C.S. §2504;
5. Drug Delivery Resulting in Death in violation of 18 Pa. C.S. § 2506;
6. Any offense set forth in Chapter 26 of the Pennsylvania Crime Code (relating to Crimes Against Unborn Child);
7. Kidnapping in violation of 18 Pa. C.S. § 2901;
8. Interference with the Custody of Children in violation of 18 Pa. C.S. §2904
9. Concealment of the Whereabouts of a Child in violation of 18 Pa. C.S. §2909;
10. All felony offenses set forth in Chapter 31 of the Pennsylvania Crime Code (relating to Sexual Offenses);
11. Arson and related Offenses in violation of 18 Pa. C.S. §3301;
12. Causing or Risking Catastrophe in violation of 18 Pa. C.S. § 3302;
13. Robbery in violation of 18 Pa. C.S. § 3701;
14. Robbery of Motor Vehicle in violation of 18 Pa. C.S. §3702;
15. Incest in violation of 18 Pa. C.S. §4302;
16. All offenses set forth in Chapter 57 of the Pennsylvania Crime Code (relating to Wiretapping and Electronic Surveillance);
17. Sexual Abuse of Children in violation of 18 Pa. C.S. §6312;
18. Corrupt Organizations in violation of 18 Pa. C.S. §911;
19. Possession of a Weapon on School Property in violation of 18 Pa. C.S. §912;
20. Accidents Involving Death or Personal Injury (if the officer has reason to believe that the victim has suffered or may suffer serious bodily injury as defined in the statute, or death) in violation of 75 Pa. C.S. §3742;

21. Homicide by Vehicle in violation of 75 Pa. C.S. §3732;
22. Homicide by Vehicle while Driving Under Influence in violation of 75 Pa. C.S. §3735;
23. Aggravated Assault by Vehicle while Driving Under the Influence in violation of 75 Pa. C.S. § 3735.1; and
24. Criminal Attempt, Criminal Solicitation , or Criminal Conspiracy in violation of 18 Pa. C.S. §§ 901, 902 and 903 respectively, when the crime attempted, solicited, or is the object of the conspiracy, requires prior approval.

Local Rule 530 --- Bail Agency

For purpose of administering the Criminal Offender Processing System (COPS) program, the Pike County Probation Office is designated as a Bail Agency for this Court and shall have the duties and powers of a bail agency pursuant to Pa.R.C.P. 530.

Local Rule 571 – Arraignment Procedures

1. Procedure for Arraignment
 - a. All arraignments shall be in accordance with Pennsylvania Rule of Criminal Procedure 571.
 - b. The District Attorney's Office is designated to handle the scheduling and disposition of all arraignments unless otherwise directed by the Court.
 - c. Arraignment shall take place no later than ten (10) days after indictment or information has been filed unless otherwise postponed by the Court for cause shown.
 - d. The defendant and counsel, if an appearance has been entered, shall receive written notice of the arraignment not later than five (5) days before the date scheduled for the arraignment. Notice shall be given by first class mail to the last known address of the defendant in accordance with the following:

ARRAIGNMENT
NOTICE TO APPEAR
COMMONWEALTH OF PENNSYLVANIA
v.

No. ____-20 ____

You are directed to appear under penalty of forfeiture of bail at the Pike County Courthouse, Milford, Pennsylvania on the ____ day of _____, 20__ at _____.M. for arraignment.

INSTRUCTIONS

1. You have been directed to appear for arraignment. At the arraignment, you will be advised of the nature of the charges against you, after which you are asked to state whether you plead guilty or not guilty.
2. If you have an attorney, contact him/her immediately. If you do not have an attorney it would be to your advantage to retain one without further delay. You have a right to be represented by a lawyer. If you believe you cannot afford a lawyer, then you should immediately make application to the Office of the Public Defender.
3. The arraignment procedure may be waived, making it unnecessary for you to appear as scheduled above, **BUT ONLY IF YOU ARE REPRESENTED BY COUNSEL AND BOTH YOU AND COUNSEL HAVE SIGNED A FORMAL WAIVER OF ARRAIGNMENT**, and have properly filed that waiver with the Court and the District Attorney.

4. You may enter a plea of guilty to these charges. If you desire to plead guilty, notify the District Attorney at the below address, and he will arrange for a guilty plea at the time of arraignment or at a time to be scheduled following arraignment.

DISTRICT ATTORNEY
PIKE COUNTY ADMINISTRATION BUILDING
506 BROAD STREET
MILFORD, PENNSYLVANIA 18337
570-296-3482

e. A defendant who is represented by counsel may waive arraignment. When a defendant represented by counsel waives arraignment prior to the scheduled formal arraignment, the original waiver must be delivered to the District Attorney at least 48 hours prior to the arraignment date. The waiver will be presented to the Court by the District Attorney at the scheduled time for arraignment for Court approval before the waiver is formally entered in the docket. Compliance with these time periods shall excuse Defendant and counsel from appearance at the scheduled arraignment. The time periods for filing the request for a bill of particulars, the discovery motion and the omnibus pretrial motion shall begin and be calculated from the date on which the Court approves the waiver. Waiver of Arraignment shall be in accordance with the following form:

**IN THE COURT OF COMMON PLEAS OF
PIKE COUNTY, PENNSYLVANIA
CRIMINAL**

Commonwealth of Pennsylvania
v.

No.
Charge(s):

PRAECIPE TO ENTER APPEARANCE

Kindly enter my appearance for above-identified defendant

Attorney for Defendant

Attorneys not members of the Pike County Bar, please provide address and telephone number.

WAIVER OF ARRAIGNMENT

I, _____, hereby acknowledge that I have received "NOTICE OF ARRAIGNMENT" and copies of the indictment(s) or information(s) containing criminal charges against me.

It is my choice to enter a plea of "not guilty", and to waive my right to be formally arraigned in Open Court.

I have consulted with my lawyer, and he/she and I are aware of my rights to file:

- (1) A "Request for a Bill of Particulars" within seven (7) days following the date of my arraignment pursuant to Pennsylvania Rule of Criminal Procedure No. 572.
- (2) A "Motion for Pre-Trial Discovery and Inspection" within fourteen (14) days following the date of my arraignment pursuant to Pennsylvania Rule of Criminal Procedure No. 573.
- (3) Various other pre-trial motions available to me which must be stated in a single document titled "Omnibus Pre-Trial Motion" to be filed and served within thirty (30) days following the date of my arraignment pursuant to Pennsylvania Rules of Criminal Procedure No. 578 and 579.

My attorney and I understand that the time for the filing of the above motions is mandatory except where unusual circumstances exist or the time has been extended by the Court.

My attorney and I are aware that if I do not file the above motions in accordance with the Rules of Criminal Procedure as outlined above, I may jeopardize my right to file them at a later date.

(date) Signature of Defendant

(date) Signature of Attorney

COURT ACTION

The above Waiver of Arraignment and plea of Not Guilty are hereby accepted. This case is scheduled for trial for the Court.

Term of

Counsel for the Defendant *must* appear at the Pre-Trial Conference at the Pike County Court House on
at .m.

(date) Joseph F. Kameen, P.J.

(f) If a defendant is unrepresented when he appears for arraignment he/she will be directed to the Public Defender. The Public Defender will determine whether the defendant is literate and will give each unrepresented defendant a copy of form which follows, and will satisfy himself that each defendant understands all provisions of this form. After the defendant has signed the form and indicated what action he/she wants the Court to take, the Public Defender will sign the form and present it to the Judge for final action. The judge will indicate the action taken and file the form with the Clerk to be entered in the docket. Defendants who cannot read will be advised orally and/or arraigned on the record.

Copy to: CLERK COURT; DISTRICT ATTORNEY; DEFENDANT; DEFENSE COUNSEL

- f. If a defendant is incarcerated in the Pike County Correctional Facility, the arraignment shall be conducted by two-way simultaneous audio-visual communication (i.e., video conferencing). If a defendant is incarcerated in a facility other than Pike County Correctional Facility, the arraignment may be conducted by video conferencing at the discretion of the Court.

- g. If a defendant is unrepresented when he appears for arraignment, the Court will reschedule the arraignment and defendant will be directed to immediately apply for a Public Defender. The Public Defender will determine whether the defendant is qualified for representation and, if so, will undertake representation of the defendant. If the defendant fails to qualify for Public Defender representation and appears at the rescheduled arraignment unrepresented, the defendant will be formally arraigned at that time by the Court.

Local Rule 590---Pleas and Plea Agreements

A. Generally

1. A plea shall be taken in open court.
2. A defendant may plea, guilty, not guilty, or, with the consent of the Judge, *nolo contendere*. If the defendant refuses to plea, the Judge shall enter a plea of not guilty on the defendant's behalf.
3. The Judge may refuse to accept a plea of guilty or *nolo contendere* , and shall not accept it unless the judge determines, after inquiry of the defendant, that the plea is voluntary, and understandingly tendered. Such inquiry shall appear on the record.
 - a. During the course of counseling a defendant relative to any plea of guilty or *nolo contendere* in the Court of Common Pleas, counsel shall review with the defendant a Pike County guilty plea colloquy form available from the Office of the District Attorney, and shall explain to the defendant the contents of that form.
 - b. Such forms shall be initialed and signed where appropriate and counsel's signature thereon shall constitute a certification by the attorney that he has read, discussed and explained the plea form with the client, and that to the best of his knowledge, information and belief, his client understands the guilty plea colloquy and accepts the terms of the plea agreement if any.
 - c. Guilty plea colloquy forms shall be filed in open Court at the time of entry of any plea of guilty or *nolo contendere*.
 - d. For pleas to a summary offense, the plea form need only consist of the disposition page, and need only state the offenses to which the defendant is pleading and any terms of a plea agreement.

B. Plea Agreements

1. When counsel for both sides have arrived at a plea agreement, they shall state on the record in open court, in the presence of the defendant, the terms of the agreement, unless the judge orders, for good cause shown and with the consent of the defendant, counsel for the defendant, and attorney for the commonwealth, that specific conditions in the agreement be placed on the record *in camera* and the record be sealed.
 - a. All plea agreements are to be in writing, on Pike County guilty plea colloquy forms. The colloquy forms are to be signed by the defendant, defense counsel, and the attorney representing the Commonwealth.
 - b. The attorney representing the Commonwealth at the time the plea is entered shall be familiar with the case, and, if requested, shall advise the court of any prior convictions of the defendant for felonies and misdemeanors of which Counsel has knowledge.
2. The Judge shall conduct a separate inquiry of the defendant on the record to determine whether the defendant understands and voluntarily accepts the terms of the plea agreement on which the guilty plea or the plea of *nolo contendere* is based.

C. Murder Cases

1. In cases in which the imposition of a sentence of death is not authorized, when a defendant enters a plea of guilty or *nolo contendere* to a charge of murder generally, the judge before whom the guilty plea was entered shall alone determine the degree of guilt.

Local Rule 700—Sentencing Judge

- A. A sentence on a plea of guilty or *nolo contendere* may be imposed by a Judge other than the Judge who received the plea of guilty or *nolo contendere*, provided the Defendant has been so notified at the time of entering the plea.

Local Rule 702 --- Aids in Imposing Sentence

A. Pre-Sentence Investigation Reports:

1. The sentencing judge may, at the judge's discretion, order a pre-sentence report in any case.
 - a. The pre-sentence investigation report shall be prepared immediately and be no more than ninety (90) days and no less than forty-five (45) days from the date of the finding of guilt.
 - b. If a pre-sentence report is ordered, the defendant is to report to the probation office within twenty-four (24) hours of the finding of guilt to schedule a meeting with the probation officer preparing the report.
2. The sentencing judge shall place on the record the reasons for dispensing with the pre-sentence investigation report if the judge fails to order a pre-sentence report in any of the following instances:
 - a. When incarceration for one year or more is a possible disposition under the applicable sentencing statutes;
 - b. When the defendant is less than 21 years old at the time of conviction or entry of a plea of guilty; or
 - c. When a defendant is a first offender in that he or she has not heretofore been sentenced as an adult.
3. The pre-sentence investigation report shall include information regarding the circumstances of the offense and the character of the defendant sufficient to assist the judge in determining sentence.
4. The pre-sentence investigation report shall also include a victim impact statement as provided by law.

B. Psychiatric or Psychological Examination

1. After a finding of guilt and before the imposition of sentence, after notice to counsel for both parties, the sentencing judge may, as provided by law, order the defendant to undergo a psychiatric or psychological examination. For this purpose the defendant may be remanded to any available clinic, hospital, institution, or state correctional diagnostic and classification center for a period not exceeding 60 days.

Local Rule 703. Disclosure of Pre-sentence Reports

- A. All pre-sentence reports and related psychiatric and psychological reports shall be confidential, and not of public record. They shall be available to the sentencing judge, and to:
1. The attorney for the Commonwealth and counsel for the defendant, for inspection only.
- B. If the defendant or the Commonwealth alleges any factual inaccuracy in a report under this rule, the sentencing judge shall, as to each inaccuracy found, order that the report be corrected accordingly.
- C. After sentencing, unless the sentencing judge otherwise orders, and subject to the provisions of paragraph (B), psychiatric, psychological, and pre-sentence reports shall also be available to:
1. Correctional institutions housing the defendant; and
 2. Departments of probation or parole supervising the defendant; and
 3. Departments of probation or parole preparing a pre-sentence investigation report regarding the defendant.
- The reports shall continue to be confidential and not of public record.
- D. On the order of the sentencing judge, a psychiatric, psychological, or pre-sentence investigation report may be made available to any other person or agency having a legitimate professional interest in the disposition of the case.
- E. The sentencing judge may at any time impose further conditions of confidentiality on a person or agency receiving a report under paragraphs (C) or (D) of this rule.