

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 Administrative Order

3 No. 2 of 2023

4 In Re: Adams County Rules of Criminal Procedure

5 **ORDER OF COURT**

6 AND NOW, this 18th day of April, 2023, it is hereby Ordered:

7 1. Adams County Rules of Criminal Procedure 541, 541.1, 542, 542.1, 542.2, and 570.1 are  
8 enacted as follows:

9 Rules 536---[569] **540** Reserved.

10 **Rule 541 Waiver of Preliminary Hearing**

- 11 **A. A defendant represented by counsel may waive the right to a preliminary hearing by both**  
12 **the defendant and counsel executing a waiver in substantially the form set forth in Rule**  
13 **541.1. The waiver shall be prepared by the presiding Magisterial District Judge prior to**  
14 **the defendant's execution of the waiver. Upon defendant's execution of the waiver, the**  
15 **waiver must be returned to and, if accepted, signed by the Magisterial District Judge. The**  
16 **executed waiver may be presented by counsel to the presiding Magisterial District Judge**  
17 **no later than the end of business on the Friday preceding the preliminary hearing.**
- 18 **B. If bail was set at preliminary arraignment, bail shall remain as set unless the defendant**  
19 **requests a hearing.**
- 20 **C. Bail for any defendant waiving preliminary hearing who has not otherwise been**  
21 **preliminarily arraigned by a Magisterial District Judge shall be set by the presiding**  
22 **Magisterial District Judge. Bail shall be noted by the Magisterial District Judge on the**  
23 **waiver form prior to execution of the form by the defendant. Bail shall be conditioned**  
24 **upon compliance with the following conditions in addition to any special conditions set by**  
25 **the Magisterial District Judge:**

- 1           **1. The defendant must appear at all times required until full and final**
- 2           **disposition of the case(s).**
- 3           **2. The defendant must obey all further orders of the bail authority.**
- 4           **3. The defendant must provide a current address and must give written**
- 5           **notice to the bail authority, the Clerk of Courts, the District**
- 6           **Attorney, and the court bail agency or other designated court bail**
- 7           **officer, of any change of address within 48 hours of the date of the**
- 8           **change.**
- 9           **4. The defendant must neither do, nor cause to be done, nor permit to**
- 10           **be done on his or her behalf, any act as prescribed by Section 4952 of**
- 11           **the Crimes Code (relating to intimidation of witnesses or victims), or**
- 12           **by Section 4953 (relating to retaliation against witnesses or victims),**
- 13           **18 Pa. C.S. § 4952, 4953.**
- 14           **5. The defendant must refrain from criminal activity.**
- 15           **6. The Defendant must comply with any fingerprint order, if any is**
- 16           **issued by this Court.**

17 **D. Execution of the waiver form by a party will indicate their acknowledgement of the bail**

18 **conditions. The Magisterial District Judges are relieved from requiring further signature**

19 **of the defendant on bail documentation.**

20 **E. When a waiver is executed and filed with the Magisterial District Judge pursuant to the**

21 **terms of this section, the Magisterial District Judge shall confirm receipt of the same to**

22 **defendant's counsel. Upon confirmation of receipt, the defendant's obligation to appear**

23 **as previously directed is waived.**

24 **Rule 541.1 Form of Waiver**

25 **The notice shall substantially be in the following form:**

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

2 CRIMINAL

3 COMMONWEALTH OF PENNSYLVANIA MJ-513 -

4 VS.

5 \_\_\_\_\_  
6 I verify that the foregoing is true and correct to the best of my knowledge:

- 7 1. I am represented by counsel of record and wish to waive my preliminary hearing.
- 8 2. If I am represented by counsel, my attorney concurs in this waiver.
- 9 3. I understand the nature of all charges against me.
- 10 4. I understand that I am required to report for formal arraignment before the Adams
- 11 County Court of Common Pleas on the date and time provided to my attorney. In that
- 12 regard, I will consult with my attorney concerning the date which I must appear. I am
- 13 further aware that my presence at formal arraignment is required and if I fail to appear,
- 14 the proceeding may be conducted in my absence and a bench warrant will be issued for
- 15 my arrest.
- 16 5. I understand that my bail has been set at \_\_\_\_\_ and that failure to
- 17 appear as directed at all future court proceedings or to otherwise comply with the
- 18 conditions of bail as set forth hereinbelow may result in forfeiture of the bail bond and
- 19 issuance of a warrant for arrest.
- 20 6. I understand that the conditions of my release as established in paragraph 5 above are as
- 21 follows:
- 22 a. I must appear at all times required until full and final disposition of
- 23 the case(s).
- 24 b. I must obey all further orders of court.
- 25 c. I must provide a current address and must give written notice to the

Adams County Clerk of Courts and the Adams County District Attorney of any change of address within 48 hours of the date of the change. In this regard, if my address listed on the criminal complaint is inaccurate, I must advise the Clerk of Courts and the District Attorney of the correct address within 48 hours of the date this document is executed by me.

d. I must neither do, nor cause to be done, nor permit to be done on my behalf, any act as proscribed by Section 4952 of the Pennsylvania Crimes Code (relating to intimidation of witnesses or victims) or by Section 4953 (relating to retaliation against witnesses or victims), 18 Pa. C.S. § 4952, 4953.

e. I must refrain from criminal activity.

f. I must comply with any fingerprint order if issued by any court.

I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904). I have been advised by the issuing authority of my right to a preliminary hearing. I understand that, by waiving my right to a preliminary hearing, I am precluded from raising the sufficiency of the Commonwealth's *prima facie* case. I voluntarily waive this hearing and agree for this matter to be bound over to court.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

1 I represent that I am counsel of record in this matter and I concur in this waiver. I  
2 further represent that I will advise the defendant of the date of all future court proceedings  
3 before the Adams County Court of Common Pleas.

4 Dated: \_\_\_\_\_

5 Attorney

6 This waiver of preliminary hearing is accepted.

7  
8 Dated: \_\_\_\_\_

9 Magisterial District Judge

10  
11 Rule 542 Notice of Arraignment

12 A. In all cases where defendants are held for court, the Magisterial District Judge shall  
13 provide the defendant and counsel of record notice of the dates of formal arraignment,  
14 non-trial disposition conference, DUI date or plea date, and criminal trial term including  
15 jury selection. Notice shall be given at the conclusion of the preliminary hearing. The  
16 notice (hereinafter "Written Notice") shall be in the form set forth in Rule 542.1 and shall  
17 be signed by the defendant and counsel, if any. The defendant and defense counsel of  
18 record shall be given a copy of the Written Notice at the time of acknowledgement. In the  
19 event the preliminary hearing is waived, the Written Notice may be given solely to counsel  
20 who thereafter shall have the Written Notice executed by their client and filed with the  
21 Clerk of Court's Office prior to formal arraignment. Counsel shall also provide a copy of  
22 the Written Notice to their client. No further notice of the scheduled court dates shall be  
23 required.

24 B. The court dates for further appearance of the defendant will be set in accordance with  
25 Local Rule 542.2.

1 C. The issuing authority shall transmit the original Written Notice of court dates, along with  
2 the transcript, to the Clerk of Court's Office within five (5) days of the defendant being  
3 held for court.

4  
5 Rule 542.1 Form of Written Notice

6 The written notice shall substantially be in the following form:

7  
8 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

9 CRIMINAL

10 COMMONWEALTH OF PENNSYLVANIA MJ-513 -

11 vs.

CR-

12 CHARGES:

13 NOTICE OF COURT DATES

- 14 1. You must appear for formal arraignment at 8:30 a.m. on \_\_\_\_\_, 20\_\_ in a  
15 Courtroom to be designated, Adams County Courthouse, 111-117 Baltimore Street,  
16 Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has  
17 filed a written waiver of arraignment with the Adams County Clerk of Court's Office  
18 prior to the above specified date and time. If you do not appear or do not file a written  
19 waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail  
20 will be forfeited.
- 21 2. You must appear for a non-trial disposition conference in the Adams County District  
22 Attorney's Office, Room 301, Adams County Courthouse, on \_\_\_\_\_, 20\_\_ at  
23 10:00 a.m. Your failure to appear on said date and time will result in your bail being  
24 revoked and a bench warrant being issued for your arrest. If you are represented by  
25 counsel, your appearance may be waived upon consent of the Commonwealth.

1 **3. You must appear at 8:30 a.m. on \_\_\_\_\_, 20\_\_ in a Courtroom to be**  
2 **designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or**  
3 **requesting a continuance in the above-captioned case. If you fail to appear on said date,**  
4 **your bail will be revoked and a warrant will be issued for arrest.**

5 **4. You are scheduled for trial during the trial term beginning \_\_\_\_\_, 20\_\_ at**  
6 **8:30 a.m. in Courtroom No. 2, fourth floor, Adams County Courthouse. Jury selection**  
7 **will take place on the first day of the trial term and trials will be held throughout the**  
8 **length of the trial term. Your failure to appear will result in forfeiture of your bail and**  
9 **issuance of a warrant for your arrest. If you fail to appear without cause for jury**  
10 **selection or trial, your absence may be deemed waiver of your right to be present and the**  
11 **proceeding, including trial, may be conducted in your absence. If trial occurs in your**  
12 **absence, you may be found guilty of all charges against you and subject to all penalties**  
13 **provided by law including imprisonment.**

14 **FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT**  
15 **AFFORD ONE, YOU MAY BE ELIGIBLE FOR COUNSEL UPON COMPLETION OF AN**  
16 **APPLICATION FOR COURT APPOINTED COUNSEL AVAILABLE AT THE ADAMS**  
17 **COUNTY PUBLIC DEFENDER'S OFFICE AT 717-337-9842.**

18 **I, the undersigned defendant, acknowledge that I have received a copy of the above Notice of**  
19 **Court Dates and understand that should I fail to appear on the dates set forth hereinabove, a**  
20 **bench warrant may be issued for my arrest. I further understand that a trial may be held in my**  
21 **absence if I fail to appear on the trial dates set forth hereinabove.**

22 \_\_\_\_\_  
23 **Date**                      **Defendant's signature**                      **Defense Attorney's signature**

24  
25 **THIS WILL BE YOUR ONLY NOTICE!**

1 **Rule 542.2 Scheduling of Court Dates**

2 **A. The date on which a defendant shall be directed to appear for formal arraignment, non-**  
3 **trial disposition conference, DUI date or plea date, and trial will be as follows:**

- 4 **1. Arraignment shall be scheduled on the arraignment date as**  
5 **established bi-annually by schedule adopted by the Court.**
- 6 **2. Non-trial disposition conference shall be scheduled as established bi-**  
7 **annually by schedule adopted by the Court.**
- 8 **3. Plea dates shall be held on DUI dates and plea dates as established**  
9 **by the Court Calendar, as supplemented by the Court**  
10 **Administrator's Office pursuant to paragraph B hereinbelow.**
- 11 **4. Jury selection and trial shall be scheduled on the first day of the**  
12 **criminal trial term, as established by the Court Calendar, which**  
13 **follows the DUI date/plea date established above.**

14 **B. The Court Administrator's Office shall biannually prepare a schedule from the Court**  
15 **Calendar, which shall list the dates of arraignment, non-trial disposition conference, DUI**  
16 **date or plea date, and jury selection/trial term applicable for cases held for court on or**  
17 **before each Central Court date. On or before January 1<sup>st</sup> and July 1<sup>st</sup> of each year, the**  
18 **Court Administrator's Office shall post the schedule for Central Court dates occurring**  
19 **within the following six (6) months and provide copies to the Court, the Clerk of Court's**  
20 **Office, each Magisterial District Judge, the District Attorney, and the Public Defender.**  
21 **The Magisterial District Judge shall enter the dates of court appearances and the notice**  
22 **required by this rule in accordance with the schedule established by the Court**  
23 **Administrator's Office.**

24 **C. If a defendant is held for court following a preliminary hearing on a date other than a**  
25 **Central Court date, they shall be scheduled for additional proceedings according to the**



1 schedule which would apply to the Central Court date immediately following the  
2 preliminary hearing.

3 **D. In order to comply with Pennsylvania Rule of Criminal Procedure 600, the**  
4 **Commonwealth may change the dates of plea and trial by providing the Court and**  
5 **counsel with written notice of the same at the time of formal arraignment.**

6  
7 **Rule 570.1 Non-Trial Disposition Conference**

8 **A. Within 60 days of formal arraignment, the Commonwealth and defense attorney or *pro se***  
9 **defendant shall meet for a non-trial disposition conference to discuss:**

10 **1. informal discovery;**

11 **2. applicable sentencing guideline ranges and other sentencing factors;**

12 **and**

13 **3. the terms, if any, of proposed plea offers and agreements.**

14 **B. The date of non-trial disposition conference shall be set annually by the Court Calendar**  
15 **with notice of the same provided to the parties at the time of preliminary hearing.**

16 **C. Attendance at the non-trial disposition conference is mandatory and appearing at the**  
17 **same shall be a standard condition of all bail.**

18 **D. Upon petition of the Commonwealth, and after hearing, the Court may revoke the**  
19 **defendant's bail for failure to appear at the non-trial disposition conference.**

20 **E. The non-trial disposition conference is a non-record proceeding.**

21  
22 2. Adams County Rules of Criminal Procedure 571, 571.1, 571.2, and 571.3 are vacated in their  
23 entirety and replaced as follows:

24 **Rule 571 Waiver of Arraignment**

25 **A defendant who is represented by counsel of record may waive appearance at formal**

1 arraignment by presenting to the Court prior to or at the time of formal arraignment a waiver in  
2 substantially the form set forth in Rule 571.1. The waiver shall be executed by both the defendant  
3 and counsel. If a defendant represented by counsel waives arraignment, the Commonwealth shall  
4 serve counsel of record with a copy of the criminal information within ten (10) days of the date  
5 the waiver is presented to the Court. The Commonwealth shall further provide counsel of record  
6 notice of the dates of defendant's plea day appearance and jury selection/trial within ten (10) days  
7 of the date the waiver is presented to the Court. Counsel waiving formal arraignment on behalf  
8 of a defendant shall be prepared to indicate on the record at the time of the plea day appearance  
9 and/or jury selection that the defendant was provided written notice as to the respective date and  
10 requirement that he/she must appear for plea and/or trial.

11  
12 Rule 571.1 Form of Waiver

13 The notice shall substantially be in the following form:

14  
15 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

16 CRIMINAL

17 COMMONWEALTH OF PENNSYLVANIA

CP-01-CR-

18 VS.

19 \_\_\_\_\_  
20 WAIVER OF APPEARANCE AT FORMAL ARRAIGNMENT

21 I verify that the foregoing is true and correct to the best of my knowledge:

- 22 1. I understand that I have the right to be represented by counsel. I am represented by  
23 counsel of record and wish to waive my appearance at formal arraignment.  
24 2. My attorney concurs in this waiver.  
25 3. I understand the nature of all charges against me.

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4. I am aware of my right to file motions, including a request for a bill of particulars, a motion for pre-trial discovery and inspection, a motion requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa. C.S. § 6322, and an omnibus pre-trial motion. I am also aware of the time limits within which these motions must be filed.

5. I understand that I am required to report for future court proceedings including my plea date and date for trial on the date and time provided to my attorney. In that regard, I will consult with my attorney concerning the dates and times which I must appear. I am further aware that my presence at these events is required and if I fail to appear, it may be deemed a waiver of my right to be present and the proceedings may be conducted in my absence. Additionally, I understand a bench warrant will be issued for my arrest. I verify that the facts contained in the above pleading are true and correct to the best of my knowledge, information, and belief. I understand that the facts herein are verified subject to penalties for unsworn falsification to authorities under Section 4904 of the Crimes Code (18 Pa. C.S. § 4904).

Dated: \_\_\_\_\_

\_\_\_\_\_ Defendant

I represent that I am counsel of record in this matter and I concur in this waiver. I further represent that I will advise the defendant of the date of plea day and trial before the Adams County Court of Common Pleas.

Dated: \_\_\_\_\_

\_\_\_\_\_ Attorney

3. It is further Ordered that Administrative Orders No. 6 of 2020 and 13A of 2022 are vacated.

1 These rule amendments shall become effective after all the provisions of the Pennsylvania  
2 Rules of Judicial Administration 103 are met, to include the following:

- 3 1. A certified copy of this Order shall be submitted to the Criminal Procedural Rules Committee  
4 for review.
- 5 2. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rules  
6 are not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this  
7 Order together with a computer diskette that complies with the requirement of 1 Pa. Code  
8 §13.11 (b), or other compliant format, containing the text of the local rule(s) adopted hereby  
9 shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania  
10 Bulletin.
- 11 3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the  
12 Pennsylvania Courts.
- 13 4. A copy of the proposed local rules shall be published on the 51<sup>st</sup> Judicial District website.
- 14 5. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof  
15 shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for  
16 inspection and copying.
- 17 6. The effective date of the local rules shall be thirty (30) days after publication in the  
18 Pennsylvania Bulletin.

19 BY THE COURT,

20  
21 MICHAEL A. GEORGE

22 President Judge

23  
24 Board of Judges

25 Magisterial District Judges

- 1 Court Administration
- 2 Clerk of Courts Office
- 3 District Attorney's Office
- 4 Public Defender's Office
- 5 Department of Probation Services
- 6 Adams County Law Library
- 7 Adams County Bar Association

8 jvs

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