



Kevin H. Way  
District Court Administrator  
570-327-2330

Peter J. Purcaro  
Director of Court Services  
570-327-2436

Eileen A. Dgien  
Deputy Court Administrator  
570-327-6700

Office of the District Court Administrator  
Lycoming County  
Twenty-ninth Judicial District of Pennsylvania  
48 West Third Street  
Williamsport PA 17701

Deborah Smith  
Court Scheduling  
Technician  
570-327-2417

Court Administrator's  
Fax:  
570-327-2293

Jury Information  
570-327-2330

## NOTICE

To: Lycoming County Bar Association  
Criminal Defense Attorneys

From: Lycoming County Court Administrator  
Lycoming County DUI Treatment Court

Date: February 7th 2005

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The Lycoming County Court is announcing the creation of a DUI Treatment Court to be presided over by the Honorable Dudley N. Anderson with an approximate start date of early March 2005. The purpose of the DUI Treatment Court is to provide a Drug Court type model in the sentencing of certain repeat drunk drivers in connection with changes under the current DUI law. More specifically, the court intends to target those offenders who must be sentenced to a ninety-day minimum term of incarceration according to the requirements under the current DUI law. It is believed these offenders have sufficient time to benefit from Intermediate Punishment sentencing and be placed in a Drug Court model program to assist with and improve the outcomes for treatment of their alcohol and/or drug problem. A guilty plea is required as part of the DUI Treatment Court Sentence. It is the belief of the court that this type of treatment court is in the best interest of the public as well as the defendant. Intermediate Punishment sentencing will be used with these offenders and each sentence will be fashioned according to the requirement of the sentencing judge and the needs of the offender. Those offenders that are required to serve mandatory thirty day or one-year terms will be considered but are not the primary targeted group. ARD cases and forty-eight hour sentences are not eligible. Offenders will be required to serve some period of incarceration in the county prison as part of their Intermediate Punishment sentence. It is the intention of the court at these early stages of this Treatment Court to allow for full incarceration as required by mandatory sentencing or if applied for and approval is given, placement of those offenders in DUI Treatment Court. Electronic monitoring sentencing alternatives used in the past for DUI cases will not be utilized other than through the DUI Treatment Court. The Court also advises the bar that this being a new program there will be limited admissions into the DUI Treatment Court dependent on resources and capabilities of that program.

Any counsel wishing to make application for their clients can obtain applications from the chambers of Judge Anderson and keep any copies of that application on hand. **Those applications must be submitted to the Judges office within thirty days of arraignment in order to be considered.** Applications that are not promptly filed will not be considered. An application will be routed through the District Attorney's office for review and then submitted to the DUI Treatment Court staff for assessment of an offenders treatment needs. Should the court and district attorney approve, and alcohol/drug assessment reveals a chemical dependence problem, then final determination will be made and a sentencing date scheduled. If rejected the defendant and counsel would be advised and scheduled for sentencing commensurate with the current DUI law.

The DUI treatment court has been in the planning stages for most of 2004 and has been a cooperative effort between the Lycoming County Court, District Attorney, Public Defender, Court Administrator, the Adult Probation department, and West Branch Drug and Alcohol Abuse Commission.

An open meeting for defense counsel will be held in courtroom 2 with Judge Anderson on Wednesday, February 16 2005 from 9:00 - 10:00 a.m. Any counsel having questions may meet with him at that time.

Any other questions or comments concerning this notice can be directed to Judge Anderson, or the Lycoming County Court Administrator's office.

cc: Honorable Kenneth D. Brown  
Honorable William S. Kieser  
Honorable Nancy L. Butts  
Honorable Dudley N. Anderson  
Honorable Richard A. Gray  
District Justice Carn  
District Justice Lepley  
District Justice McRae  
District Justice Schriener  
District Justice Sortman  
District Justice Page  
Kevin Way, Court Administrator  
District Attorney (5)  
William Miele, Esquire, Chief Public Defender  
Nicole Spring, Esquire  
Jason Poplaski, Esquire  
James Cleland, Esquire  
Charles Brace, Esquire  
Robert McCullough, Chief Probation Officer  
West Branch Drug & Alcohol Abuse Commission  
Lycoming County Prison