

G. Weibel

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming :
County Rules of Criminal Procedure : Docket number: *15-00006*

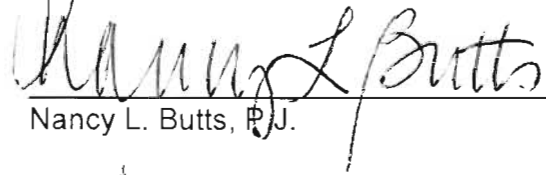
ORDER

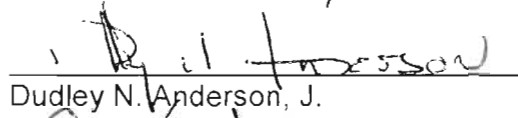
AND NOW, this *21st* day of *Sept.*, 2015, it is hereby ORDERED AND DIRECTED as follows:

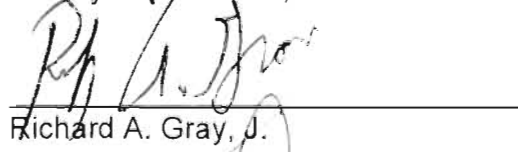
1. Lycoming County Rules of Criminal Procedure L140, L141, L142, L143, L200, L301, L303, L316, L1401, L1409, L2002A and L4006 are hereby rescinded.
2. New Lycoming County Rules of Criminal Procedure L122, L202, 525, L540, L578 and L700 are hereby promulgated, as set forth on the attachment.
3. The Prothonotary is directed to:
 - a. File one (1) certified copy of this order with the Administrative Office of the Pennsylvania Courts.
 - b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rules to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - ✓ c. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.
4. The District Court Administrator shall publish a copy of the new rules on the Unified Judicial System's web site.
5. The revisions shall become effective 30 days after the publication of this order in the Pennsylvania Bulletin.

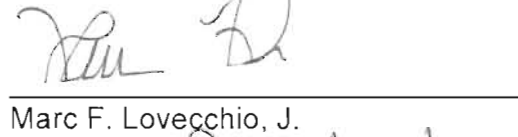
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LYCOMING COUNTY
2015 SEP 22 AM 10:35

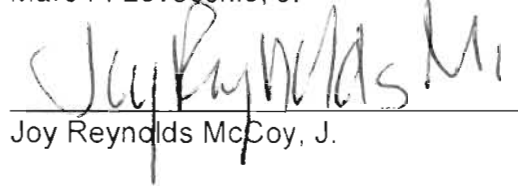
BY THE COURT,


Nancy L. Butts, P.J.


Dudley N. Anderson, J.


Richard A. Gray, J.


Marc F. Lovecchio, J.


Joy Reynolds McCoy, J.

L122. Assignment of Counsel.

A. Applications for assignment of a public defender shall be submitted to the public defender's office. Applications shall be approved or rejected in accordance with specific written standards established by the court, which shall be available for inspection in the public defender's office. The application will be approved or rejected by the chief public defender, and in the event of rejection the defendant will be advised of his right to appeal to the court.

B. Nothing herein contained shall prevent the court after notice of hearing from revoking an appointment of counsel due to the non-indigency of the defendant, but in no event shall a revocation be made when the effect thereof would require a continuance of the trial of the case.

L202. Approval of Search Warrant Applications by Attorney for the Commonwealth. The District Attorney of Lycoming County having filed a certification pursuant to Pa.R.Crim.P 202, search warrants in all circumstances 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.

L525. Bail.

A. The person for whom bail has been set, or a private third party surety, shall, with the approval of the court or issuing authority, execute a bail bond and deposit with the clerk of courts or issuing authority, a sum of money equal to ten percent (10%) of the bail, but in no event shall such deposit be less than fifty (\$50.00) dollars. Corporate sureties are expressly prohibited from posting the deposit for bail set under this section.

B. In all court cases, except ROR or nominal bail, an administrative fee shall be paid to the clerk of courts at the time the bail bond is executed. In ROR and nominal bail, an administrative fee shall be added to the bail amount in the event of a default. The administrative fee shall be considered as earned at the time the bail undertaking is executed.

C. In all cases where there has been a non-appearance before a magistrate and a bail bond has been executed, the bail bond shall be immediately transmitted to the clerk of courts along with a written statement of the details concerning the defendant's non-appearance and an order declaring the forfeiture of bail.

D. Judgment shall be entered immediately, under the direction of the prothonotary and clerk of court in all bail situations except ROR, nominal bail and full cash bail, unless the issuing authority or court directs that judgment be entered in these instances.

E. When the conditions of a bail bond have been performed and the defendant has been discharged from all obligations in the cause, upon an appropriate order of court, the clerk of court shall return to the accused, unless the court orders otherwise, the entire amount

of cash bail deposited, less any unpaid administrative costs. In the event that judgment has been entered on any bail bond, upon receiving an order that the defendant has been discharged from all obligations, the clerk of courts shall mark the judgment satisfied on the record.

F. If the defendant does not comply with the conditions of the bail bond, the court shall enter an order pursuant to Pa. R. Crim. P. 536 and notice of such order of forfeiture shall be mailed forthwith by certified mail to the defendant at his last known address.

G. If the court orders the defendant to pay a fine and costs of prosecution, the balance of any cash bail deposited by the defendant may be applied to the payment of said fine and costs, as ordered by the court. Where a third party surety has posted a deposit, the deposit may be applied to the payment of fine and costs upon the written authorization of third party surety.

H. Upon authorization in writing of any party who posted a cash deposit, the court may order whatever amount is repayable from such deposit to be paid to the defendant's attorney of record.

I. Any cash deposits not claimed within one year from the notice of full and final disposition of the case shall be deemed as fees and shall be forfeited to the court. Notice of such proposed forfeitures shall be sent to the accused, the surety, if any, and the attorney of record.

J. When a defendant has failed to comply with the rules and regulations of the bail bond, or any additional conditions of his release, he may be brought before the court to determine if additional bail shall be set in his case.

K. In all cases where the accused's case is disposed of through a verdict of not guilty, or a dismissal, through nolle prosequere, or otherwise, the administrative costs provided for in this rule shall be returned to the accused. These costs shall then be placed on the county.

L. If the accused asserts an inability to pay the administrative fee set forth in this rule, the matter shall be handled by the issuing authority through the filing of a petition to proceed *in forma pauperis*.

L540. Preliminary Arraignment. In advising the defendant of his right to secure counsel of his choice and of his right to be assigned counsel, the issuing authority shall specifically describe the procedure to be followed in applying for assignment of counsel and shall have public defender application forms available.

L578. Continuances. All requests for continuances shall be on forms provided by the court

administrator.

L700. Sentencing Judge. The 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. In such event, the defendant must be so notified at the time of entering the plea.