

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming County

Rules of Criminal Procedure

ORDER

AND NOW, this 3rd day of December, 2001 , it is hereby ORDERED AND DIRECTED as follows:

1. Lycoming County Rules of Criminal Procedure L1, L67, L130, L309, L1100 and L1123 are hereby rescinded.
2. Lycoming County Rules of Criminal Procedure L140, L142 and L301 are revised as indicated on the attachment.
3. The Prothonotary is directed to:
 - a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
 - b. Forward two (2) certified copies of this order to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
 - c. Forward one (1) certified copy of this order to the Pennsylvania Criminal Procedural Rules Committee.
 - d. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.
 - e. Forward one (1) copy to the chairman of the Lycoming County Customs and

Rules Committee.

- f. Keep continuously available for public inspection copies of this order.
4. The rule revisions approved by this order shall become effective 30 days after publication in the Pennsylvania Bulletin.

BY THE COURT,

Clinton W. Smith, P.J.

Kenneth D. Brown, J.

William S. Kieser, J.

Nancy L. Butts, J.

Dudley N. Anderson, J.

L140. Preliminary Arraignment.

A. 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.

~~B. Before accepting an uncounseled waiver of a preliminary hearing, the issuing authority shall advise the defendant of the nature and purpose of a preliminary hearing from a form provided by the court administrator for that purpose. If and when the magistrate concludes that the defendant's desire to waive the preliminary hearing is intelligent and voluntary, he shall have the defendant sign said form and forward the same to the court, along with such other papers as are necessary.~~

~~C. B.~~ Where a preliminary hearing is not waived, † The defendant shall be specifically advised that if he fails to obtain counsel to represent him at the scheduled preliminary hearing, he shall be found to have waived his right to counsel. No continuance of the preliminary hearing will be granted by reason of a failure to make timely application for counsel prior to the hearing. An application for public defender is deemed to be timely if filed with the court administrator not less than two (2) working days before the scheduled hearing, provided the defendant is advised of that fact. A working day is any day in which the court holds regularly scheduled sessions.

~~D. C.~~ Where a preliminary hearing is not held within the time limits provided in Pa. R. Crim. P. 140(d)(1) required by the Pennsylvania Rules of Criminal Procedure, the issuing authority's transcript shall set forth precisely the reasons or cause for any extension of the ten-day time limit.

L142. Continuance of Preliminary Hearing. In passing upon requests for continuance of a preliminary hearing, the issuing authority shall give due consideration to the need to expeditiously handle criminal cases. ~~and to the policy of the Court of Common Pleas of Lycoming County to seek to bring cases to trial within three months of the date of filing of the complaint.~~

L301. Continuances. In deciding whether to grant or deny a request for continuance, the court shall give due weight to the policy of this court ~~to bring cases to trial within three months of the filing of the complaint where the interests of justice permit~~ *consideration to the need to expeditiously handle criminal cases.* All requests for continuances shall be on forms provided by the court administrator.