

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE:

:  
:  
:  
:  
:  
:

CV-2021-00006

AMENDMENTS TO THE  
LYCOMING COUNTY RULES OF  
GENERAL COURT BUSINESS

FILED  
LYCOMING COUNTY  
2021 SEP -3 PM 12:05  
THOMAS D. HEAR  
PROTHONOTARY

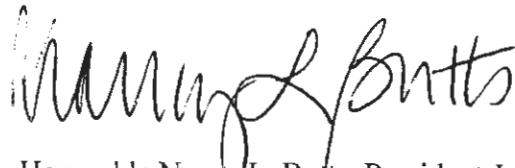
ORDER

AND NOW, this 3<sup>rd</sup> day of September 2021, it is hereby ORDERED AND DIRECTED as follows:

1. Lycoming County Rule of General Court Business L1901, as set forth on the attachment, is hereby promulgated.
2. The Lycoming County District Court Administrator is directed to do the following:
  - a. File this order with the Administrative Office of Pennsylvania Courts via email at [adminrules@pacourts.us](mailto:adminrules@pacourts.us).
  - b. Forward two (2) certified copies of this order to the Legislative Reference Bureau, Pennsylvania Code & Bulletin Office, 647 Main Capitol Building, Harrisburg, PA 17111-0033.
  - c. File this order in Microsoft Word format with the Legislative Reference Bureau via email at [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*.
  - d. Forward a copy of this order to the chairperson of the Lycoming County Customs and Rules Committee (Gary L. Weber) for publication with the Court's local rules and for inclusion in the complete compilation of the Court's local rules.

3. The new rule shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

By the Court,



Honorable Nancy L. Butts, President Judge

cc: Nancy L. Butts, President Judge  
Marc F. Lovecchio, Judge  
Joy Reynolds McCoy, Judge  
Eric R. Linhardt, Judge  
Ryan M. Tira, Judge  
Adrienne J. Stahl, District Court Administrator  
Christian D. Frey, Magisterial District Judge  
Jon E. Kemp, Magisterial District Judge  
Jerry C. Lepley, Magisterial District Judge  
Aaron S. Biichle, Magisterial District Judge  
William C. Solomon, Magisterial District Judge  
Gary A. Whiteman, Magisterial District Judge  
Tom Heap, Prothonotary/Clerk of Courts  
Ryan Gardner, District Attorney  
Nicole Spring, Chief Public Defender  
Lycoming Law Association

## **L1901. Termination of Inactive Summary Cases in the Magisterial District Courts**

**A. Traffic cases** - On or before January 15<sup>th</sup> of each year, pursuant to 42 Pa.C.S. § 5553(e), each Magisterial District Court shall dismiss all summary offenses under Title 75 (relating to vehicles) where no plea has been entered and the commission of the offense was at least three years prior thereto.

### **B. Non-traffic cases**

1. On or before January 15<sup>th</sup> of each year, each Magisterial District Court shall:
  - i. Identify all summary non-traffic cases where no plea has been entered and where there has been no evidence of activity on the docket during the prior two years other than the filing of a not found return on a warrant of arrest;
  - ii. Compile a list of those cases indicating the docket number, case caption, and charge(s) associated with the docket number; and
  - iii. Promptly provide the list to the District Court Administrator and the District Attorney.
2. Upon receipt of the list from the Magisterial District Court, the District Court Administrator shall submit the list to the *Lycoming Reporter* for publication.
  - i. The publication shall be advertised one time and shall state the docket number, case caption, and name and office address of the Magisterial District Court and shall indicate that the cases listed shall be dismissed on the 31<sup>st</sup> day following publication unless a party to the case files with the Magisterial District Court a written objection to dismissal of the case setting forth reasons why no activity has appeared of record for the past two (2) years other than a filing of a not found return on a warrant of arrest.
  - ii. If said written objection is filed within thirty (30) days of the publication, a hearing shall be scheduled to determine if dismissal is appropriate. The hearing shall be held by the Magisterial District Judge not less than thirty (30) days nor more

than sixty (60) days after such filing, and the Magisterial District Court shall give at least thirty (30) days written notice thereof along with a copy of said written objections served by first class mail. If notice is returned undelivered, the case shall be dismissed. A party shall have the right to appeal to the Court of Common Pleas within the time period for Summary Appeals pursuant to Pa.R.Crim.P. 460.

iii. If said written objection is not filed within thirty (30) days of the publication, the Magisterial District Court shall dismiss the case.

C. When a case is dismissed under this rule, the Magisterial District Court shall:

1. Vacate any active warrant related to the case/citation/ticket and promptly remove the warrant from Magisterial District Judge System (MDJS), Common Pleas Case Management System (CPCMS), or any other system in which the warrant was issued; and
2. Forward notice to the Pennsylvania Department of Transportation that the case/citation/ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pa.R.Crim.P. 470.