

## 2007 Membership

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Suzanne M. Creavey, *Office Manager*

\* Appointed 3-1-07

## Legal Authorization

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722

## About the Committee

The Criminal Procedural Rules Committee is an advisory arm to the Supreme Court, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing criminal practice and procedure throughout Pennsylvania.

**Criminal**

**Procedural**

**Rules**

**Committee**

5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055  
(717) 795-2100  
e-mail [criminal.rules@pacourts.us](mailto:criminal.rules@pacourts.us)

## Reports

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory report, called simply "Report," which describes the committee's proposal and gives members of the bench, bar, and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (Pennsylvania Reporter Series) and various local bar publications. In some cases the committee also distributes the report directly to organizations within the criminal justice system upon which the proposal may impact.

All comments are considered and, when appropriate, a proposal is modified before final submission to the Court. (Note: Some reports are submitted to the Court without publication, pursuant to Pa.R.J.A. 103(a)(3), this in the interest of justice, because exigent circumstances existed that warranted prompt action or because the proposed changes are technical or perfunctory in nature.)

If a recommendation is adopted, the committee prepares a final explanatory report for publication with the Court's order. These "Final Reports" are useful sources of information about the rule changes and the committee's considerations in developing the proposal for the rule changes.

In addition to reports, the committee prepares, as a public service, a "Calendar of the Effective Dates," which lists recently adopted criminal procedural rule changes and their effective dates. These calendars are published in various legal journals and newsletters.

## 2007 Activities

The committee held five full-committee meetings and several subcommittee meetings in 2007. The full-committee meetings were held in Blue Bell, Gettysburg, Hershey, Lancaster,

Mechanicsburg, Philadelphia, Pittsburgh and State College.

In 2007 the committee continued its work on the following:

- changes necessitated by the Magisterial District Judges System (MDJS) and the Common Pleas Criminal Courts Case Management System (CPCMS), the statewide automation of the magisterial district courts and the criminal division of the Common Pleas Courts, respectively.
- review of the rules affecting proceedings before the minor judiciary, both in summary cases, Chapter 4, and in court cases, Chapter 5. Of particular concern were issues relating to:
  - summary guilty pleas
  - procedures when a defendant fails to appear for a preliminary hearing
  - dissemination of arrest warrant and search warrant information
  - fingerprint orders.

Other areas of inquiry and study by the committee included:

- bail
- use of detainers
- continuances
- use of electronic returns for certified mail
- Rule 600
- uniform guilty plea and waiver of counsel colloquies.

In addition, the committee continued to monitor local rules, particularly issues raised by the MDJS and CPCMS staff and responded to specific inquiries from the Supreme Court and to issues that arose in case law.

The committee communicated regularly with the Court's other advisory committees and the Administrative Office of Pennsylvania Courts concerning various procedural matters in an ongoing effort to achieve uniformity and

consistency in interrelated procedural and administrative matters.

## 2007 Committee Action

The Supreme Court adopted seven committee recommendations for rule changes in 2007. A number of other recommendations remained pending with the Court. They are all described below and are summarized in the Status of Recommendations chart beginning on page 61.

### *Proposals Adopted by the Supreme Court*

Note: The Final Reports for any of these proposals can also be found on the committee's Web page at [www.pacourts.us](http://www.pacourts.us), under the Supreme Court Committees tab.

**Recommendation No. 5, Criminal Rules 2006:** Changes further clarifying the procedures when a **defendant fails to appear for preliminary hearing**. Adopted 5-1-07, effective 9-4-07. See Final Report at 37 *Pa.B.* 2503 (June 2, 2007), 921 *A.2d* No. 3 and 922 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 357.

**Recommendation No. 9, Criminal Rules 2006:** Changes to Rules 462, 720 and 721 clarifying that the time for appeal **when no post-sentence motion is filed** runs from the date of the imposition of sentence. This proposal was developed in conjunction with the Appellate Court Procedural Rules Committee's development of its Recommendation No. 4 of 2006. Adopted 1-18-07, effective 8-1-07. See Final Report at 37 *Pa.B.* 526 (February 3, 2007), 913 *A.2d* and 914 *A.2d* Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 353.

**Recommendation No. 10, Criminal Rules 2006:** Changes to Rules 403, 409, 414, 424 and 454 concerning **summary case guilty pleas,**

**intermediate punishment and sentences of imprisonment.** Adopted 1-18-07, effective 8-1-07. See Final Report at 37 *Pa.B.* 760 (February 17, 2007), 915 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 354.

**Recommendation No. 11, Criminal Rules 2006:** Amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its **right to a jury trial in Municipal Court cases and transfer the case to Common Pleas Court.** Adopted 1-5-07, effective 3-6-07. See Final Report at 37 *Pa.B.* 313 (January 30, 2007), 912 *A.2d* No. 3 and 313 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 352.

**Recommendation No. 1, Criminal Rules 2007:** Amendments to Rule 801 to clarify that cases that end in a mistrial count towards "**eight significant cases,**" and ungraded felonies that have the same penalty as felonies of the first and second degree qualify as a "significant case." Adopted 4-13-07, effective immediately. See Final Report at 37 *Pa.B.* 1961 (April 28, 2007), 919 *A.2d* No. 3 and 920 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 356.

**Recommendation No. 2, Criminal Rules 2007:** Changes to the Rule 581 Comment emphasizing that the judge must enter findings of fact and conclusions of law at the conclusion of the **suppression hearing.** Adopted 11-2-07, effective 2-1-08. See Final Report at 37 *Pa.B.* 6204 (November 24, 2007), 934 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 359.

**Recommendation No. 3, Criminal Rules 2007:** Amendments to Rule 121 that moved the areas of **inquiry for a waiver** from the Comment to the text of the rule. Adopted 12-21-07, effective 2-1-08. See Final Report at 38 *Pa.B.* 62 (January 5, 2008), 939 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 360.

*Proposals Pending with the Supreme Court*

**Recommendation No. 4, Criminal Rules 2004:**

Proposed revisions of the comments to Rules 502, 503 and 504 clarifying that the **complaint may be electronically prepared, verified and transmitted**. (The Court put this proposal on hold 8-16-04 at the request of the MDJS and CPCMS staff until the technology is in place to accommodate this change.)

**Recommendation No. 4, Criminal Rules 2007:**

Proposed amendments to Rule 105 to **require pre-amendment approval by committee of all local rules**.

**Recommendation No. 5, Criminal Rules 2007:**

Proposed amendments to require that **fingerprint orders be sent with the summons** in cases begun by summons.

**Looking Ahead to 2008**

The committee's efforts in 2008 will include the following:

- working with the CPCMS, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- working with the AOPC during the initial phases of the redesign of the MDJS
- continuing to monitor the application of new Rule 644 that permits juror note taking in criminal cases during the three-year period the Court has allowed to study this practice
- examining detainer practices, written guilty plea colloquy forms, pretrial practices, public access issues, bail procedures and local rules procedures
- working on rules affecting the minor judiciary
- monitoring criminal practice and procedure and the criminal rules in general. **AOPC**

<b>Status of Recommendations</b>		
<b>Recommendation</b>	<b>Subject</b>	<b>Status</b>
4, 2004	Revisions of comments to Rules 502, 503 and 504, clarifying that complaint may be electronically prepared, verified and transmitted	Put on hold indefinitely by Court 8-16-04
5, 2006	New Rule 559, amendments to rules 509, 510, 511, 512, 536, 542, 543, 547 and 571 clarifying procedures when defendant fails to appear for preliminary hearing	Adopted 5-1-07, effective 9-4-07
8, 2006	Proposed amendments to Rule 107 establishing the procedures for issuing subpoenas by magisterial district judges and Courts of Common Pleas	Rejected by the Court 6-25-07
9, 2006	Amendments to Rules 462 and 721 and Comment to Rule 720 clarifying that the time for appeal when no post-sentence motion is filed runs from the date of imposition of sentence	Adopted 1-18-07, effective 8-1-07
10, 2006	Amendments to Rules 403, 409, 414, 424 and 454 concerning summary case guilty pleas, intermediate punishment and sentences of imprisonment	Adopted 1-18-07, effective 8-1-07
11, 2006	Amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its right to a jury trial in Municipal Court cases and transfer the cases to Common Pleas Court	Adopted 1-5-07, effective 3-6-07
1, 2007	Amendments to Rule 801 clarifying qualifications for "significant cases"	Adopted 4-13-07, effective immediately
2, 2007	Revision of the Comment to Rule 581 emphasizing that the judge must enter findings of fact and conclusions of law at the conclusion of the suppression hearing	Adopted 11-2-07, effective 2-1-08
3, 2007	Amendments to Rule 121 moving the areas of inquiry for a waiver from the Comment to the text of the rule	Adopted 12-21-07, effective 2-1-08

Table 3.7.1