

2001 Membership

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Stuart Brian Suss, Esq.

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jennifer A. H. Degenfelder, Esq., *Staff Counsel*
Suzanne M. Creavey, *Office Manager*

Legal Authorization:

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

Criminal

Procedural

Rules

Committee

5035 Ritter Road,
Suite 800
Mechanicsburg, PA 17055
(717) 795-2100
e-mail [criminal.rules@
supreme.court.state.pa.us](mailto:criminal.rules@supreme.court.state.pa.us)

History/Background

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.

The committee's work includes:

- monitoring recent developments in criminal procedure in Pennsylvania and in other jurisdictions to identify areas in which the criminal rules need to be amended, revised, clarified, streamlined or simplified
- reviewing and responding to the numerous questions raised by judges, lawyers, and court personnel; the public; and agencies within the criminal justice system
- reviewing Pennsylvania appellate court cases and Pennsylvania legislation, earmarking those decisional or statutory law changes which affect the criminal process and necessitate amendments to the rules or other action by the Court
- monitoring all local criminal rules as required by Rules of Criminal Procedure 105.

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. Published in the *Pennsylvania Bulletin* and the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), 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 to provide easy access to the effective dates of criminal rule changes.

Web Site

The Criminal Procedural Rules Committee publishes its rule proposals and explanatory "Reports" as well as the Supreme Court's orders promulgating criminal rule changes, the text of the rule changes, and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System home page. These publications may be found under Supreme Court Committees at www.courts.state.pa.us.

Membership and Staff

Committee members are appointed by the Supreme Court. Each member's term is three years and members may serve a maximum of two full terms. In 2001 membership included four Common Pleas Court judges, the chief disciplinary counsel for the Disciplinary Board of

the Supreme Court, six prosecutors, one assistant public defender, three attorneys in private practice and one district court administrator.

The committee has a staff of three: two attorneys and an office manager. It maintains its office in Mechanicsburg at the Administrative Office's Central Site.

2001 Activities

The committee held five two-day and one one-day full-committee meetings in 2001. The meetings were held in Gettysburg, Hershey, Philadelphia, Pittsburgh and State College.

In 2001 the committee continued its work on

- the development of procedures for the use of advanced communication technology in criminal cases, in particular for arrest and search warrants, and preliminary arraignments and arraignments
- specific issues related to post-conviction collateral proceedings, including time limits on the disposition of cases and appointment of counsel in death penalty cases
- developing new procedures to govern cases when the defendant intends to introduce evidence concerning his or her mental condition
- reviewing both local rules and the rules affecting proceedings before the minor judiciary in summary cases (Chapter 4) and in court cases (Chapter 5).

The committee also began work on

- an extensive project to overhaul the procedures governing motions, answers, filing and service in an effort to attain more statewide uniformity in this area of criminal practice
- work necessitated by the anticipated state-

wide automation of the criminal division of the Common Pleas Courts.

The committee also responded to specific inquiries from the Supreme Court and to issues that arose in case law. It addressed several other areas of criminal practice and procedure, including bail, discovery, and trial and jury procedures.

The committee communicated regularly with the Administrative Office and with the Supreme Court's other committees concerning various procedural matters in an ongoing effort to achieve uniformity and consistency among interrelated procedural and administrative matters.

The committee continued in 2001 to make presentations to the bench, the bar and others involved in the criminal justice system regarding recent changes in Pennsylvania's criminal procedures. At these presentations the committee receives valuable input concerning Pennsylvania's criminal practice.

2001 Committee Action

The Supreme Court adopted one committee recommendation for rule changes in 2001. A number of other recommendations remained pending with the Court. These are described below. A chart indicating the status of the proposals and recommendations pending in 2001 can be found on page 62.

Proposals Adopted by the Supreme Court

Recommendation No. 4, Criminal Rules 2001: Revision of the Comment to Rule 6 (**Local Rules**) (renumbered Rule 105 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) to include the same **language** concerning the judiciary's Web page and local rules that was recently adopted for the civil rules. Adopted June 8, 2001, effective immediately. (See Final

Report at 31 Pa.B. 3310 (June 23, 2001,) and 773-774 A.2d Nos. 3 and 1, respectively, July 27, 2001, Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Recommendation No. 14, Criminal Rules 1999: Proposed amendments to Rule 1500 (Scope) (renumbered Rule 900 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) providing in **capital cases** for notice of the information concerning the PCRA and the procedures under Chapter 1500 of the rules. Remanded to the committee October 24, 2000, and revised and resubmitted February 23, 2001.

Recommendation No. 1, Criminal Rules 2000: Proposed amendments to Rules 1502 (Content of Petition for Post-Conviction Collateral Relief; Request for Discovery) and 1504 (Appointment of Counsel; *In Forma Pauperis*) and correlative revision of the Comment to Rule 302 (Attorneys -- Appearances and Withdrawals) (renumbered Rules 902, 904 and 120, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) concerning verification of counsel and entry of appearance in **PCRA cases**.

Recommendation No. 4, Criminal Rules 2000: Proposed amendments to Rules 316 (Assignment of Counsel) and 1504 (Appointment of Counsel; *In Forma Pauperis*) (renumbered Rules 122 and 904, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) clarifying that **appointed counsel** remains in the case through all avenues of direct appeal, including the Supreme Court.

Recommendation No. 1, Criminal Rules 2001: Proposed amendments governing the **use of advanced communication technology** for conducting preliminary arraignments and arraignments, and for requesting and obtaining arrest and search warrants.

Recommendation No. 2, Criminal Rules 2001: Proposed amendments to Rule 22 (renumbered Rule 131 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) permitting, in the president judge's discretion, centralized courts for **summary trials**.

Recommendation No. 3, Criminal Rules 2001: Proposed amendments to Rules 27 and 328 (combined and renumbered Rule 112 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) conforming to the proposed **ACT-related** changes.

Recommendation No. 5, Criminal Rules 2001: Amendments to Rule 1509 (renumbered Rule 909 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) that will provide extensions of time and sanctions concerning the time for disposition following a hearing in a **PCRA death penalty case**.

Recommendation No. 6, Criminal Rules 2001: Revision of the Comment to Rule 1509 (renumbered Rule 909 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) adding cross-references to *Commonwealth v. Morris* concerning (1) the contents of a request for a **stay** filed separately from the PCRA petition, and (2) **temporary stays**.

Recommendation No. 7, Criminal Rules 2001: Amendments to Rule 1409 (renumbered Rule 708 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) clarifying the 30-day appeal period following motion to modify sentence in **probation and parole violation cases**.

Looking Ahead to 2002

The committee plans to continue its work on the following:

- studying the use of advanced communication technology in criminal proceedings.
- working with the Court's Common Pleas Court automation project, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- examining local rule procedures and working on the rules affecting the minor judiciary
- monitoring criminal practice and procedure and the criminal rules in general.

Contact Person

Anyone wanting additional information about the Criminal Procedural Rules Committee or having questions about the criminal procedural rules may contact the committee through its chief staff counsel, Anne T. Panfil, Esq., at (717) 795-2100 or writing to 5035 Ritter Road, Suite 800; Mechanicsburg, PA 17055. The committee may also be contacted at criminal.rules@supreme.court.state.pa.us.

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Status of Recommendations

Note: The number in parentheses indicates the new number assigned to the rule as part of the renumbering and reorganization of the criminal rules adopted by the Court on March 1, 2000, effective April 1, 2001.

Recommendation	Subject	Status
14, 1999	Amendments to Rule 1500 (900) providing in capital cases for notice of the information concerning the PCRA and procedures under Chapter 1500 of the rules	Submitted 10-13-99, remanded 10-24-00; resubmitted 2-23-01; pending before Court
1, 2000	Amendments to Rules 1502 (902) and 1504 (904), revision of Comment to Rule 302 (120) concerning verification of counsel and entry of appearance in PCRA cases	Submitted 7-17-00; pending before Court
4, 2000	Amendments to Rules 316 (122) and 1504 (904), clarifying that appointed counsel remains in the case through all avenues of direct appeal, including the Supreme Court	Submitted 12-28-00; remanded 7-31-01; resubmitted 10-22-01; pending before Court
1, 2001	Amendments providing for use of advanced communication technology.	Submitted 2-20-01; pending before Court
2, 2001	Amendment to Rule 22 (131) permitting centralized courts for summary trials	Submitted 2-20-01; pending before Court
3, 2001	Amendments to Rules 27 and 328 (112) conforming to proposed ACT-related changes	Submitted 4-23-01; pending before Court
4, 2001	Revision of Rule 6 (105) Comment to include language concerning the Court's Web page and local rules	Adopted 6-8-01, effective immediately
5, 2001	Amendments to Rule 1509 (909) providing extensions of time and sanctions concerning the time for disposition following a hearing in a PCRA death penalty case	Submitted 7-23-01; pending before Court
6, 2001	Amendments to Rule 1509 (909) adding cross-references to <i>Commonwealth v. Morris</i>	Submitted 7-26-01; pending before Court
7, 2001	Amendments to Rule 1409 (708) clarifying the 30-day appeal period following motion to modify sentence in probation and parole violation cases	Submitted 12-18-01; pending before Court

Table 3.7.1