

	COURT ADMINISTRATION	
	51st Judicial District	
	Arraignment Calendaring and Notices	
	Memorandum	September 8, 2020

**TO: Adams County Bar Association
Bar Associations of Surrounding Counties**

This memorandum is intended to clarify some confusion related to calendaring and subsequent notices for arraignment in Adams County, with the target audience being those attorneys who practice criminal law in Adams County.

Due to COVID-19, we have needed to move to a block scheduling method in order to institute steps for social distancing and crowd control. This process is done manually, so that Court Administration can consider factors such as grouping cases involving the same attorney in the same block times so that an attorney doesn't have to face the issue of having to be in Adams County in the early morning and then again in the afternoon (of course, this only works if the attorney has filed their appearance of record and that appearance reflects in CPCMS). For those with some familiarity with CPCMS (the AOPC-created Common Pleas Case Management System), you may know that when an event is calendared, we must also enter a time. Because we cannot know immediately how the day is going to be restructured, nearly all events are scheduled initially for 8:30 AM. This calendaring will trigger a notice in PACFile.

When we get to the point where cases from the preliminary hearing stage are no longer populating the calendar for arraignment (about 3-4 weeks from the arraignment date), we begin the process of creating time blocks for hearings and start moving cases into those time blocks. This results in an adjustment to the calendar, which will trigger a notice in PACFile and a new summons being sent to the defendant with the updated time to appear.

Court Administration has been receiving numerous calls from law offices about this as it relates to the waiver of appearance, mostly to ask the question about why their client is receiving a new notice to appear when their client has signed a waiver of appearance.

When we moved to this model, we received concerns from law offices about their clients being removed from the calendar when they signed a waiver, because it was not the attorney's intent that the case be removed (the intent was simply to waive the need for arraignment). This occurs when the attorney and the DA have worked out an agreement for something like ARD and for expediency sake in a COVID-19 environment and to reduce additional future hearings (which reduces the footprint into Court buildings), the Court is willing to review these agreements on the day the arraignment was scheduled.

Because this concern about removal from the list was raised, our bench made the decision that all arraignment cases, unless expressly directed to be removed from the calendar by a Common Pleas Judge, will remain on the calendar regardless if a waiver was filed. However, to be clear, this does not mean that the defendant is required to appear if they previously filed a waiver. On the day of arraignment, the Court will work

the full court list as calendared. If a defendant is not present, the Court will make the inquiry to the Commonwealth and to the Clerk of Courts to determine if a waiver of appearance was filed. If so, there is nothing for the Court to do, as future hearing dates were previously provided to the defendant at the preliminary hearing. If a waiver is not filed of record, the Court will then consider whether a warrant is appropriate.

I hope this memorandum provides some insight into the steps needed to balance many needs.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Fennimore', with a stylized flourish at the end.

Donald Fennimore
District Court Administrator