LOCAL RULES
OF CRIMINAL PROCEDURE
of the
COURT OF COMMON PLEAS
OF CLARION COUNTY

Supplementing the
Rules of Criminal Procedure
Promulgated by the

Supreme Court of Pennsylvania

Effective May 1, 2010
Amended March 1, 2014
Amended February 1, 2015
Amended July 5, 2016

James G. Arner,
President Judge

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CLARION COUNTY LOCAL RULES OF CRIMINAL PROCEDURE

Scope of Rules, Construction and Definitions

Rule L.R.Crim.P. 101. Construction

These rules shall be construed using the same rules of construction as are used in construing the Pennsylvania Rules of Criminal Procedure.

Rule L.R.Crim.P. 102. Citing the Clarion County Procedural Rules.

These rules shall be known as the Clarion County Rules of Criminal Procedure and shall be cited as "L.R.Crim.P."

Rule L.R.Crim.P. 103. Definitions.

The words and phrases when used in any L.R.Crim.P. shall have the same meaning ascribed to them in the Pennsylvania Rules of Criminal Procedure, unless specifically defined in a L.R.Crim.P .

Rule L.R.Crim.P. 104. Design of Forms.

The design of all forms used by the court pursuant to these Rules shall be determined by the court administrator of Clarion County in consultation with the president judge. Any forms contained in these local rules are for the convenience of the parties; the use of specific forms is not required as long as all the information required is provided in a filing.

Rule L.R.Crim.P. 106. Continuances.

(A) All motions for continuance shall be in writing and be signed by counsel for the moving party, or by an unrepresented defendant, and shall include a statement of the specific reason(s) for the request.

(1) The motion shall include a statement that the opposing counsel or unrepresented defendant has been made aware of the motion and either does not object or does object to a continuance, and the reasons for any objection.

(2) A motion for continuance shall be substantially in the form prescribed by Form 106.1 of these Rules.

(3) When appropriate, a motion for continuance shall have attached thereto a waiver of Pa.R.Crim.P. 600 signed by the defendant.

Form 106.1

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
vs.	:	NO. ____ CR _____
	:	
_____	:	

MOTION FOR CONTINUANCE

AND NOW, _____, _____, comes the _____ by attorney, _____, and moves for a continuance as follows:

1. This case is scheduled for ___ hearing, or ___ argument, or ___ other (describe proceeding) : _____on _____, _____, at _____ ___ m. before judge _____.

2. The other party is represented by _____.

3. The proceeding was scheduled by order or notice dated _____, _____.

4. The proceeding ___ has or ___ has not been previously continued. The party filing this motion has obtained a continuance ____ time(s).

5. A continuance is requested because: (If a continuance is requested because of a conflicting proceeding in another court, state: (1) the names of the parties, (2) the court; (3) the nature of the proceeding, (4) the date, time and expected duration of the proceeding, (5) the date of the order or notice scheduling the proceeding, (6) whether the party has moved for a continuance of that proceeding and the results of the motion, and (7) attach a copy of the order or notice. If a continuance is requested because of an unavailable witness, state: (1) the name of the witness, (2) the specific reason the witness

is unavailable at the time scheduled, and (3) the length of time the witness will be unavailable.) _____

_____

_____

_____

6. Check all that apply:

☐ **(a)** Opposing counsel or unrepresented defendant has been made aware of this motion and does not object.

☐ **(b)** Opposing counsel or unrepresented defendant has been made aware of this motion and does object for the following reason(s): _____

_____

☐ **(c)** Opposing counsel or unrepresented defendant has not been made aware of this motion for the following reason(s): _____

_____

7. The proceeding, when heard, will not exceed ___ hours or ____ days.

8. I specifically request a continuance to the next available date.

Respectfully submitted,

_____

Rule L.R.Crim.P. 114. Orders and Court Notices.

(B)(2) The clerk of courts shall serve all court orders, unless the court directs the court administrator to make service. When the court directs the court administrator to make service, the person serving the order shall mark clearly on the order the date and upon whom it was served and shall place his or her initials on the order. If no such notation is marked on the order at the time it is filed with the clerk of courts, the clerk of courts shall serve it.

When notices (not orders) are sent directly to criminal defendants, court administration and/or court staff shall be responsible for service and shall provide a copy of the notice to the clerk of courts for filing. Those instances in which defendants receive notice directly from the court include, but are not limited to, sentence and pleas court, criminal pre-trial conferences and summary appeal hearings.

(B)(3) When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney shall indicate whether service upon that attorney in the particular case will be permitted by the methods set forth in Pa.R.Crim.P. 114(B)(3)(a)(iv), relating to service in a designated courthouse mailbox, and/or Pa.R.Crim.P. 114(B)(3)(a)(vi), relating to service by facsimile, as provided in Form 120 of these rules.

Rule L.R.Crim.P. 117. Coverage--Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

(A) All magisterial district court offices shall be open from 8 a.m. through 4 p.m. Monday through Friday except on those dates established as court holidays. The president judge may establish additional or alternate hours at any time in order to meet the needs of the public and the court. At any time a magisterial district judge is absent from his/her office during normal business hours, he/she shall arrange for coverage by another district judge of the 18th Judicial District.

(B) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection From Abuse Act and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) shall be in accordance with the traditional on-call system as presently established. The president judge shall assign a magisterial district judge to be responsible for the preparation of the on-call schedule. The magisterial district judge designated to prepare the on-call schedule shall supply a copy of that schedule to each magisterial district judge, Clarion County Office of Emergency Services, the District Attorney, the president judge and court administrator. Any changes to the established schedule shall be made in writing and provided to the same persons in receipt of the original on-call schedule.

(C) The on-call magisterial district judge shall be available without unreasonable delay at his or her established office or, at the discretion of the on-call magisterial district

judge, advanced communication technology may be utilized in those instances where it is allowable by the Rules of Criminal Procedure. The on-call magisterial district judge shall be available from the close of business at 4:00 p.m. until the opening of business the following day at 8:00 a.m. Weekend on-call shall be from 4:00 p.m. on Friday through 8:00 a.m. on Monday. Holiday on-call shall begin at 4:00 p.m. the day before the holiday and end at 8:00 a.m. the business day following the holiday.

(D) Magisterial district judges, the clerk of courts and the warden of Clarion County Corrections, or his designee, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The warden of Clarion County Corrections or his designee will accept only monetary bonds; real estate bonds may only be posted through the clerk of courts or the magisterial district court offices.

Rule L.R.Crim.P. 120. Entry of Appearance

The entry of appearance required by Pa.R.Crim.P. 120(A) shall be substantially in the following form:

Form 120

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
vs.	:	NO. _____CR _____
	:	(Case No.) (Year)
_____	:	OTN: _____
(Name of Defendant)		

Entry of Appearance

To the Clerk of Courts:

Please enter my appearance for the defendant in the above-captioned case.

Name and address of Attorney for Defendant:

Name: _____
Supreme Court ID No.: _____
Firm: _____
Address: _____
_____
_____
Phone No: _____
Fax No.: _____
Email Address: (optional) _____

Check Applicable: ☐ Privately Retained

☐ Public Defender

Service is permitted by the following means:

☐ Assigned mailbox in the office of the clerk of courts

☐ Facsimile or Other Electronic Means

_____ _____
(Signature of Attorney for Defendant) (Date)

Rule L.R.Crim.P. 131. Location of Preliminary Hearing; Central Court.

Pursuant to the authority contained in Pa.R.Crim.P. 131(B), the president judge of the Court of Common Pleas of Clarion County, Pennsylvania, has determined that local conditions require the establishment of procedures whereby preliminary hearings in criminal cases, filed in all magisterial districts, shall be held at a central location. The president judge shall issue an administrative order designating the place and time for preliminary hearings. Said court shall hereinafter be referred to as Central Court.

The president judge may grant an exception to this general rule in cases where there are multiple defendants or where there are serious charges, at the request of the magisterial district judge in whose district the crimes allegedly occurred. The magisterial district judge shall provide the president judge with information to support the request, including the nature of the charges, the number of potential witnesses, the expected length of the hearing, any security concerns, and any other relevant factors. The president judge will then either grant or deny the request and communicate the decision in writing to all magisterial district judges. If possible, in cases involving more than one defendant, the magisterial district judge shall hold the hearings for co-defendants on the same date.

Rule L.R.Crim.P. 507(B) Approval of Police Complaints by Attorney for the Commonwealth

The District Attorney of Clarion County having filed a certification (with amendments as of March 1, 2016) pursuant to Pa. R.Crim.P. 507, criminal complaints by police officers as defined in the Rules of Criminal Procedure, charging the following offenses:

Attempt, Conspiracy, or Solicitation and all Subsections included unless otherwise noted:

Title 18 Section 908.1 – Use or Possession of Electric or Electronic Incapacitation Device
Title 18 Section 909 – Manufacture, Distribution, Use or Possession of Devices for Theft of Telecommunications Services
Title 18 Section 910 - Manufacture, etc. of Devices for Theft of Telecommunication Services
Title 18 Section 911 – Corrupt Organizations
Title 18 Section 912 – Weapon on School Property
Title 18 Section 913 - Possession of Firearm or Other Dangerous Weapon in Court Facility
Title 18 Section 2102 – Desecration of Flag
Title 18 Section 2103 – Insults to National or Commonwealth Flag
Title 18 Section 2501 – Criminal Homicide
Title 18 Section 2502 – Murder – ALL SECTIONS
Title 18 Section 2503 – Manslaughter, Voluntary
Title 18 Section 2504 – Manslaughter, Involuntary
Title 18 Section 2505 – Causing or Aiding Suicide
Title 18 Section 2506 – Drug Delivery Resulting in Death

Title 18 Section 2507 – Murder of Law Enforcement Officer - ALL SECTIONS
Title 18 Section 2603 – Criminal Homicide of Unborn Child
Title 18 Section 2604 – Murder of an Unborn Child
Title 18 Section 2605 – Voluntary Manslaughter of an Unborn Child
Title 18 Section 2606 – Aggravated Assault of an Unborn Child
Title 18 Section 2701 – Simple Assault – M1 ONLY
Title 18 Section 2702 – Aggravated Assault
Title 18 Section 2704 - Assault by Life Prisoner
Title 18 Section 2708 – Use of Tear or Noxious Gas in Labor Disputes
Title 18 Section 2710 – Ethnic Intimidation
Title 18 Section 2713 – Neglect of Care-Dependent Person
Title 18 Section 2714 – Unauthorized Administration of Intoxicant
Title 18 Section 2715 – Threat to Use Weapons of Mass Destruction
Title 18 Section 2716 – Weapon of Mass Destruction
Title 18 Section 2717 - Terrorism
Title 18 Section 2901 – Kidnapping
Title 18 Section 2904 – Interference with the Custody of Children
Title 18 Section 2905 – Interference with Custody of Committed Persons
Title 18 Section 2906 – Criminal Coercion
Title 18 Section 2907 – Disposition of Ransom
Title 18 Section 2909 – Concealment of Whereabouts of Child
Title 18 Section 2910 – Luring a Child into Motor Vehicle/Structure (child <13yrs)
Title 18 Section 3002 – Trafficking of Persons – ALL SECTIONS
Title 18 Section 3011 – Human Trafficking – ALL SECTIONS
Title 18 Section 3012 – Human Trafficking – ALL SECTIONS
Title 18 Section 3013 - Human Trafficking
Title 18 Section 3014 - Human Trafficking – ALL SECTIONS
Title 18 Section 3015 – Human Trafficking – ALL SECTIONS
Title 18 Section 3016 – Human Trafficking
Title 18 Section 3121 – Rape
Title 18 Section 3122.1 – Statutory Sexual Assault
Title 18 Section 3123 – Involuntary, Deviate Sexual Intercourse
Title 18 Section 3124.1 – Sexual Assault
Title 18 Section 3124.2 – Institutional Sexual Assault
Title 18 Section 3124.3(a) – Sexual Assault by Sports Official or Non Profit
Title 18 Section 3125 – Aggravated Indecent Assault
Title 18 Section 3126(a) (1), (4),(5),(6),(7),(8) – Indecent Assault
Title 18 Section 3129 – Sexual Intercourse with Animal
Title 18 Section 3130 – Conduct Relating to Sex Offenders
Title 18 Section 3204 – Medical Consultation and Judgment
Title 18 Section 3205 – Informed Consent
Title 18 Section 3206 – Parental Consent
Title 18 Section 3209 – Spousal Notice
Title 18 Section 3210 – Determination of Gestational Age
Title 18 Section 3211 – Abortion on Unborn Child of 24 or More Weeks Gestational Age
Title 18 Section 3212 – Infanticide

Title 18 Section 3213 – Prohibited Acts
Title 18 Section 3216 – Fetal Experimentation
Title 18 Section 3218 – Criminal Penalties
Title 18 Section 3301 – Arson and Related Offenses – ALL SECTIONS
Title 18 Section 3302 – Catastrophe, Causing, or Risking
Title 18 Section 3303 – Failure to Prevent Catastrophe
Title 18 Section 3311 – Eco Terrorism
Title 18 Section 3313 – Methamphetamine Waste Dumping
Title 18 Section 3502 – Burglary (F1 only)
Title 18 Section 3701– Robbery- ALL SECTIONS
Title 18 Section 3702 – Robbery of a Motor Vehicle
Title 18 Section 3921 – Theft by Unlawful Taking (over $25,000)
Title 18 Section 3922 – Theft by Deception (over $25,000)
Title 18 Section 3923 – Theft by Extortion (over $25,000)
Title 18 Section 3924 – Theft of Property Lost, Mislaid, or Delivered by Mistake (over $25,000)
Title 18 Section 3925 – Theft by Receiving Stolen Property (during disaster and/or over $25,000)
Title 18 Section 3925(a) – Theft by Receiving Stolen Property (Firearm/Receiver in Business)
Title 18 Section 3926 – Theft of Services (over $25,000)
Title 18 Section 3927 – Theft by Failure to Make Required Disposition of Funds Received (over $25,000)
Title 18 Section 3930 – Theft of Trade Secrets by Force, Violence, or Burglary
Title 18 Section 3931 – Theft of Unpublished Dramas and Musical Compositions
Title 18 Section 3932 – Theft of Leased Property (over $25,000)
Title 18 Section 3935(a) – Theft of Secondary Metal - FELONY ONLY
Title 18 Section 4102 – Simulating Objects of Antiquity, Rarity, etc.
Title 18 Section 4103 – Fraudulent Destruction, Removal or Concealment of Recordable Instruments
Title 18 Section 4105 – Bad Checks (over $75,000)
Title 18 Section 4106 – Access device fraud (over $25,000)
Title 18 Section 4107 – Deceptive or Fraudulent Business Practices
Title 18 Section 4107.1 – Deception Relating to Kosher Food Products
Title 18 Section 4107.2 – Deception Relating to Certification of Minority Business Enterprise or Women's Business Enterprise
Title 18 Section 4108 – Commercial Bribery and Breach of Duty
Title 18 Section 4109 – Rigging Public Contest
Title 18 Section 4111 – Fraud in Insolvency
Title 18 Section 4112 – Receiving Deposits; Failed Institution
Title 18 Section 4116 – Copying; Recording Devices
Title 18 Section 4116.1 – Unlawful Operation of Recording Device in Motion Picture Theater
Title 18 Section 4117 – Insurance Fraud (over $25,000)
Title 18 Section 4118 – Washing Vehicle Titles

Title 18 Section 4119 – Trademark Counterfeiting
Title 18 Section 4120 – Identity Theft – FELONY ONLY
Title 18 Section 4301 – Bigamy
Title 18 Section 4302 – Incest
Title 18 Section 4303 – Concealing Death of Child
Title 18 Section 4305 – Dealing in Infant Children
Title 18 Section 4583.1 – Aggravated Jury Tampering
Title 18 Section 4701 – Bribery, Official and Political Matters
Title 18 Section 4702 – Threats, Official and Political Matters
Title 18 Section 4703 – Retaliation for Past Official Action
Title 18 Section 4902 – Perjury
Title 18 Section 4906.1 – False Reports of Child Abuse
Title 18 Section 4909 – Witness Taking Bribe
Title 18 Section 4910 – Tampering with or Fabricating Physical Evidence
Title 18 Section 4915.1 – Failure to Register
Title 18 Section 4952 – Intimidation of Witnesses or Victims (Felonies only)
Title 18 Section 4953 – Retaliation Against Victim, Witness, or Party
Title 18 Section 4953.1 – Retaliation Against Prosecutor or Judicial Officer
Title 18 Section 4958 – Intimidation in Child Abuse Case – ALL SECTIONS
Title 18 Section 5103 – Unlawfully Listening into Deliberations of Jury
Title 18 Section 5104.1 – Disarming Law Enforcement Officers
Title 18 Section 5106 – Failure to Report Injuries by Firearm or Criminal Act
Title 18 Section 5108 – Compounding
Title 18 Section 5109 – Barratry
Title 18 Section 5110 – Contempt of General Assembly
Title 18 Section 5111 – Dealing in Proceeds of Unlawful Activities
Title 18 Section 5131 – Recruiting Criminal Gang Member
Title 18 Section 5301 – Official Oppression
Title 18 Section 5302 – Speculating or Wagering on Official Action or Information
Title 18 Section 5508 – Disrupting Meetings
Title 18 Section 5509 – Desecration or Sale of Venerated Objects
Title 18 Section 5510 – Abuse of Corpse
Title 18 Section 5511 – Cruelty to Animals
Title 18 Section 5511.3 – Assault with Biological Agents on Animals
Title 18 Section 5512 – Lotteries
Title 18 Section 5513 – Gambling Devices
Title 18 Section 5514 – Pool Selling and Bookmaking
Title 18 Section 5515 – Prohibiting Paramilitary Training
Title 18 Section 5516 – Facsimile Weapons of Mass Destruction

Title 18 Section 5703 – Interception, Disclosure or Use of Wire, Electronic or Oral Communications
Title 18 Section 5705 – Possession, Sale, Distribution, Manufacture, or Advertisement of Interception Devices
Title 18 Section 5719 – Unlawful Use of Order Concerning Intercepted Communications
Title 18 Section 5903 – Obscene and other Sexual Materials and Performances
Title 18 Section 5902 – Prostitution and Related Offenses (Felonies only)
Title 18 Section 5904 – Public Exhibition of Insane or Deformed Person
Title 18 Section 6105 – Person not to Possess Firearms – ALL SECTIONS
Title 18 Section 6106 – Firearm not to Be Carried without a License
Title 18 Section 6107 – Prohibit Conduct During Emergency
Title 18 Section 6110.1 – Possession of Firearm by Minor
Title 18 Section 6111 – Sale or Transfer of Firearms – ALL SECTIONS
Title 18 Section 6112 – Firearm Dealer to be Licensed
Title 18 Section 6113 – Firearms Dealer to be Licensed
Title 18 Section 6115 – Loans, Lending, Giving Firearms Prohibited
Title 18 Section 6142 – Locking Device for Firearms
Title 18 Section 6301 – Corruption of Minors
Title 18 Section 6303 – Sale of Starter Pistols
Title 18 Section 6304 – Sale and Use of Air Rifles
Title 18 Section 6312 – Sexual Abuse of Children – ALL SECTIONS
Title 18 Section 6318 – Unlawful Contact with Minor
Title 18 Section 6319 – Solicitation of Minors to Traffic Drugs – ALL SECTIONS
Title 18 Section 6320 – Sexual Exploitation of Children
Title 18 Section 6346 – Willful Failure to Cooperation in Investigation of Child Abuse
Title 18 Section 6703 – Military Decorations
Title 18 Section 6704 – Fraud on Association Having Grand Lodge
Title 18 Section 6707 – False Registration of Domestic Animals
Title 18 Section 6709 – Use of Union Labels
Title 18 Section 6901 – Extension of Water Line
Title 18 Section 6910 – Unauthorized Sale of Tickets
Title 18 Section 7102 – Drugs to Race Horses
Title 18 Section 7103 – Horse Racing
Title 18 Section 7104 – Fortune Telling
Title 18 Section 7107 – Unlawful Actions by Athlete Agents
Title 18 Section 7302 – Sale and Labeling of Solidified Alcohol
Title 18 Section 7303 – Sale or Illegal Use of Certain Solvents and Noxious Substances
Title 18 Section 7304 – Illegal Sale or Use of Certain Fire Extinguishers
Title 18 Section 7306 – Incendiary Devices
Title 18 Section 7307 – Out of State Convict Made Goods

Title 18 Section 7308 – Unlawful Advertising of Insurance Business
Title 18 Section 7309 – Unlawful Coercion in Contracting Insurance
Title 18 Section 7310 – Furnishing Free Insurance
Title 18 Section 7311 – Unlawful Collection Agency Practices
Title 18 Section 7312 – Debt Pooling
Title 18 Section 7313 – Buying or Exchanging Federal Food Order Coupons, Stamps, Authorization Cards or Access Devices
Title 18 Section 7314 – Fraudulent Traffic in Food Orders
Title 18 Section 7315 – Unauthorized Disposition of Donated Food Commodities
Title 18 Section 7316 – Keeping Bucket-Shop
Title 18 Section 7317 – Accessories, Bucket-Shop
Title 18 Section 7318 – Maintaining Bucket-Shop Premises
Title 18 Section 7319 – Bucket-Shop Contracts
Title 18 Section 7321 – Lie Detector Tests
Title 18 Section 7322 – Demanding Property to Secure Employment
Title 18 Section 7323 – Discrimination on Account of Uniform
Title 18 Section 7324 – Unlawful Sale of Dissertations, Thesis, Term papers
Title 18 Section 7326 – Disclosure of Confidential Tax Information
Title 18 Section 7328 – Operation of Certain Establishments
Title 18 Section 7361 – Worldly Employment or Business
Title 18 Section 7503 – Interest of Certain Architects in Public Works Contracts
Title 18 Section 7504 – Appointment of Special Police
Title 18 Section 7505 – Violation of Government Rules Regarding Traffic
Title 18 Section 7506 – Violation of Rules Regarding Conduct on Commonwealth Property
Title 18 Section 7507 – Breach of Privacy by Using a Psychological-Stress Evaluator, an Audio-Stress Monitor or a Similar Device without Consent
Title 18 Section 7509 – Furnishing Drug free urine
Title 18 Section 7515 – Contingent Compensation
Title 18 Section 7611 – Unlawful Use of Computer and Other Computer Crimes
Title 18 Section 7612 – Disruption of Service
Title 18 Section 7613 – Computer Theft
Title 18 Section 7614 – Unlawful Duplication
Title 18 Section 7615 – Computer Trespass
Title 18 Section 7616 – Distribution of Computer Virus
Title 18 Section 7661 – Unlawful Transmission of Electronic Mail

Title 30 – Operation of Boats

Title 30 Section 5502.1 – Homicide By Watercraft while Operating under Influence
Title 30 Section 5502.2 – Homicide By Watercraft
Title 30 Section 5502.3 – Aggravated Assault by Watercraft while Operating Under Influence
Title 30 Section 5507 – Duties of Operators Involved in Boating Accidents (FELONY ONLY)
Title 35 Section 780-113(a)

(1) Manufacture/Sale/Delivery of Adulterated Drug
(2) Adulteration of Controlled Substance
(3) False Advertisement
(4) Removal of Detained Substance
(5) Adulteration of Sellable Controlled Substance
(6) Forging ID Under Act
(7) Defraud Trademark
(8) Selling Defrauded Trademark
(9) Having Equipment to Defraud
(10) Illegal Sale of Nonproprietary Drug
(11) Illegal Pharmacy Operations
(12) Acquisition by Fraud - Heroin, Marijuana
(13) Dispense of Drugs to Drug Dependent Person
(14) Delivery by Practitioner
(15) Illegal Retail Sale
(17) Dispensing of Drugs without Label
(18) Illegal Sale Container
(19) Intentional Unauthorized Purchase
(20) Divulging Trade Secret
(21) Failure to Keep Records
(22) Refusal of Inspection
(23) Unauthorized Removal of Seals
(24) Failure to Obtain License
(25) Manufacture by Unauthorized Party
(26) Distribution by Registrant of Controlled Substance
(27) Use of Fictitious Registration Number
(28) False Application Material
(29) Production of Counterfeit Trademarks
(30) Possession with Intent to Deliver
(34) Ad for Drug Paraphernalia
(35) Illegal Sale of Non-Controlled Substance
(36) Designer Drugs
(37) Possession of Steroids
(38) Unlawful Manufacture of Methamphetamine

Title 42 Section 4583.1 – Aggravated jury tampering

Title 75 – Vehicle Code

Title 75 Section 3732 – Homicide by Vehicle
Title 75 Section 3735 – Homicide by Vehicle while DUI
Title 75 Section 3735.1 – Aggravated Assault by Vehicle while DUI
Title 75 Section 3742 – Accidents Involving Death or Personal Injury *(felonies only)*
Title 75 Section 3742.1 – Accidents Involving Death or Personal Injury While Not Properly Licensed *(felonies only)*

shall not hereafter be accepted by any judicial officer unless the criminal complaint has the approval of an attorney for the Commonwealth prior to filing.

Replaces Original Rule adopted October 1, 2006
Effective July 5, 2016

Rule L.R.Crim.P. 520. Bail Before Verdict.

Monetary bond may be posted outside of regularly scheduled work hours with a magisterial district judge, the clerk of courts or the warden of Clarion County Corrections with the following provisions.

(A) Bonds required prior to the verdict or other case disposition in the amount of ONE THOUSAND ($1,000.00) DOLLARS and NO CENTS or less shall be posted with the warden at Clarion County Corrections.

(B) Bonds required prior to verdict or other case disposition in the amount of more than ONE THOUSAND ($1,000.00) DOLLARS and NO CENTS shall be posted with "on-call" magisterial district judge.

(C) All property bonds must be posted during regular business hours with the clerk of courts of Clarion County.

Rule L.R.Crim.P. 528. Requirements for Real Estate Bail.

(A) If real estate is offered as bail set for a defendant, whether before an issuing authority or the court, the owner of the real estate, to qualify as surety and post real estate as bail, must file a letter from an attorney licensed in Pennsylvania which contains the following:

(1) The assessed value and fair market value of the real estate as contained among the assessment records of the county in which the real estate is located or alternatively, a real estate appraisal prepared by a certified Pennsylvania real estate appraiser establishing the fair market value for the real estate.

(2) The exact name(s) of the record title holder(s).

(3) A list of liens against the real estate together with the amount of the lien of record, the actual current payoff amount of the lien, and the date the lien was entered.

(4) A list of all unpaid taxes due and owing.

(5) A certification that a lien search has been completed and the attorney finds that after subtracting any outstanding liens from the fair market value of the real estate, here remains a sufficient amount of equity to cover the amount of the bond to be posted.

(B) The clerk of courts shall make the determination of whether the net value of the property is sufficient to satisfy the monetary condition. For property located outside the Commonwealth but within the United States, the clerk of courts may impose reasonable conditions designed to perfect a lien.

Rule L.R.Crim.P. 552. Local Scheduling Procedures.

(A) Annually, by the first day of December, the court administrator shall publish a case tracking schedule for the succeeding year setting forth the following pertinent dates that affect each criminal case, with the appropriate schedule to be set in motion by the date the defendant either waives his or her preliminary hearing or is bound over following the preliminary hearing:

(1) The date of the court arraignment, which shall be the first available arraignment date at least 40 days after the preliminary hearing is held or waived.

(2) The date for the criminal conferences as required by L.R.Crim.P L590.1.

(3) The date of the pretrial conference, which shall follow the final criminal conference and precede jury selection.

(4) The date representing Defendant's last day to enter a negotiated plea, as set forth in L.R.Crim.P L590.2;

(5) The date of jury selection.

(B) The court administrator shall immediately, after publishing said schedule, provide copies to each sitting magisterial district judge, the district attorney's office, the

public defender's office, and each member of the county criminal defense bar known to the court administrator. Copies shall also be available free of charge at all times in the court administrator's office.

(C) (1) At the time defendant is bound over to court or waives his preliminary hearing, the magisterial district judge shall complete a Case Tracking Information Form and distribute as indicated on the form.

(2) The Case Tracking Information Form shall set forth the date and time the defendant and his or her attorney must appear in Court for arraignment (unless waived), two criminal conferences as required by L.R.Crim.P. L590.1, the last date to enter a negotiated plea as set forth in L.R.Crim.P. L590.2, pretrial conference and jury selection. The dates established by the Case Tracking Information Form shall be deemed orders of court and may not be changed except by leave of court.

(3) The magisterial district judge shall orally advise the defendant and counsel of the time, date, and place of arraignment and that the failure to appear at such arraignment may result in the defendant's arrest and forfeiture of bond.

(4) The magisterial district judge shall require the defendant to sign the Case Tracking Information Form indicating the defendant is aware of the time and place of arraignment and of the obligation to appear at the arraignment and other proceedings noted thereon.

Rule L.R.Crim.P. 570. Pretrial Conference.

(A) The pretrial conference shall take place on the date set in the Case Tracking Information Form pursuant to L.R.Crim.P. L543(C)(2).

(B) The defendant shall attend the pretrial conference or be available by telephone at the time of the pretrial conference, unless the court excuses the defendant in advance.

(C) The court shall conduct the pretrial conference in accordance with Pa.R.Crim.P. 570. Counsel in attendance at the pretrial conference shall be prepared and authorized to address the following topics:

(1) the terms and procedures for pretrial discovery and inspection,

Comment: Commonwealth and defense counsel shall make a good faith effort to resolve all pretrial discovery and inspection issues prior to the pretrial conference.

(2) all motions including those for pretrial discovery and inspection,

(3) the simplification or stipulation of factual issues, including admissibility of evidence,
(4) the qualification of exhibits, such as pictures, documents, confessions, and records, as evidence to avoid unnecessary delay,
(4) the number of witnesses who are to give testimony of a cumulative nature,
(5) pleas to various counts of the information(s) and whether the jury should be informed of such pleas,
(6) the *nolle prosequi* or other disposition of some counts of the information(s),
(7) all objections or defenses which are capable of determination before trial,

> *Comment:* The attorneys should raise the legal and evidentiary issues which may need to be resolved before or during trial which counsel know or reasonably should know about, and provide the court with legal authority in support of their positions.

(8) whether a defense of alibi, or insanity, or diminished responsibility resulting from other mental infirmity, or other defenses will be raised at trial, as to which appropriate rulings may be made,
(9) the time needed for completion of jury selection and trial and the date(s) of the trial,

> *Comment:* Before the date of the pretrial conference, the attorneys shall communicate with each other and agree upon the number of days needed to complete the trial and select a trial date or dates from the list of available dates provided by the court.

(10) the availability of all persons who may testify at trial on the date(s) selected,

> *Comment:* Before the date of the pretrial conference, the attorneys, or someone acting on their behalf, shall use all reasonable efforts to contact all potential witnesses and determine whether they are available to testify on the date(s) selected. If there is any issue concerning the availability of any witness, the attorney for the party who wants to call the witness shall raise the issue at the pretrial conference to be addressed by the court. If he or she fails to raise the issue, then the unavailability of a witness due to lack of notice and confirmation of his or her availability shall not be grounds for a continuance of the trial. This rule is not intended to change Pa.R.Crim.P. 573(C).

(11) any other matters which may aid in the disposition of the proceeding.

Comment: Before the date of the pretrial conference, the attorneys shall discuss the topics listed in L.R. 570 (B) (1) through (11) and when possible, reach agreements which may aid in the disposition of the proceeding.

(D) Defendants who are not represented by counsel shall be required to comply with this Local Rule.

Rule L.R.Crim.P. 571. Arraignment.

(A) Arraignment shall be held in open court at such times designated by the court administrator in the annual case tracking schedule.

(B) Waiver of Appearance at Arraignment

(1) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a waiver of arraignment in the clerk of courts office in the form prescribed by the court administrator. A copy of the waiver shall be served upon the district attorney pursuant to Pa.R.Crim.P. 576.

(2) If a written waiver of arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pretrial motion and requests pursuant to Pa.R.Crim.P. 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

Rule L.R.Crim.P. 579. Time for Omnibus Pretrial Motion and Service.

(A) Any omnibus pretrial motion shall be filed within thirty (30) days after arraignment, or if arraignment is waived within thirty (30) days after the date set for arraignment.

(B) If an omnibus pretrial motion is not filed within thirty (30) days after arraignment, the defendant shall set forth in the motion the specific reasons it was not timely filed.

(C) If the reasons are not stated within the motion, the court may dismiss the motion for that reason alone.

Rule L.R.Crim.P. 590.1. Plea Negotiations.

(A) At the time a defendant either waives his preliminary hearing or is bound over following a preliminary hearing, he will be given two specific dates for criminal conferences based on the annual case tracking schedule published by the court

administrator. Each conference shall be held at a location and at times designated by the court administrator. Defense counsel will be required to attend each conference in person, unless leave of court is obtained prior to the time of the conference. Defense counsel is not required to attend if the defendant has previously entered a plea of guilty or nolo contendere, a plea date is already scheduled, or the matter is being considered for ARD disposition.

(B) For each criminal conference:

(1) The district attorney shall have an attorney for the Commonwealth available with authority to discuss the case on behalf of the Commonwealth in each case. The attorney for the Commonwealth and defense counsel shall attend the conference at the designated location and discuss each case and, at the discretion of counsel, the defendant may participate in all or part of those discussions.

(2) At the end of the conference, a Criminal Conference Form, in a form set forth by the court administrator, shall be filled out and signed by the attorney for the Commonwealth and defense counsel. The original Criminal Conference Form shall be submitted to the court administrator by the district attorney's office. A copy of the form shall be retained by the attorney for the Commonwealth and by defense counsel. After recording the necessary information from the forms, the court administrator shall deliver the original form to the clerk of courts office so that it may be filed in the official court file.

(3) Any plea reached at the conclusion of a criminal conference shall be entered before the court on a date set by the court administrator.

(4) A scheduled conference may not be continued until another date unless ordered by the court upon written motion filed by a party.

Rule L.R.Crim.P. 590.2. Last Day to Enter a Negotiated Plea.

(A) A deadline shall exist, after which the court will not accept a negotiated plea to a lesser or reduced offense except upon a showing of extraordinary circumstances. This deadline, known as the "last day to enter a negotiated plea," shall be published by the court administrator in its annual case tracking schedule prepared pursuant to L.R.Crim.P. L543. The last day to enter a negotiated plea shall be included on the Case Tracking Information Form issued to the defendant by the magisterial district judge pursuant to L.R.Crim.P. L543. If no plea agreement has been reached by the date set, the defendant shall (1) proceed to trial; or (2) enter an "open" plea as charged that is in no way a negotiated plea.

(B) The defendant, defense counsel, and an attorney for the Commonwealth with the authority to take a position on behalf of the Commonwealth shall appear in person in court on the last day to enter a negotiated plea.

(C) A colloquy form shall be presented to the judge at the time any plea is to be entered in open court with the agreement attached.

Rule L.R.Crim.P. 620. Waiver of Jury Trial.

The last day for a defendant to waive a jury trial shall be at the Pretrial Conference unless upon good cause shown the Court allows such a waiver after that date.

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER AMENDING THE VICTIM/WITNESS COORDINATOR FEE FROM $75.00 TO $100.00	**:**	**No. 691CD2010**

AMENDED ADMINISTRATIVE ORDER
INCREASING THE VICTIM/WITNESS COORDINATOR FEE

AND NOW January 20, 2015, all criminal and juvenile defendants shall be assessed as part of their costs a Victim/Witness Coordinator Fee, which was originally established at Seventy-Five ($75.00) and is now increased to One Hundred Dollars ($100.00) at the time of their sentencing or disposition. These monies shall be deposited into a segregated account by the Clerk of Courts, which account shall be used by the County Commissioners for the exclusive purpose of funding Victim/Witness staff positions to comply with the requirements of the Victim's Bill of Rights.

This order shall become effective thirty (30) days after its publication in the Pennsylvania Bulletin.

BY THE COURT:

s/James G. Arner
_____ P.J.

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER AMENDING THE VICTIM/WITNESS COORDINATOR FEE FROM $75.00 TO $100.00	:	**No. 691CD2010**

ORDER

AND NOW January 26, 2015, The Administrative Order dated January 20, 2015 increasing the Victim/Witness Coordinator Fee from seventy-five dollars $75.00 to one-hundred dollars $100.00 is effective February 1, 2015. The effective date is now able to be established following notification from the Supreme Court of Pennsylvania that the amended order does not fit within Pa.R.Crim.P. Rule 105, therefore it is not required to be published in the Pennsylvania Bulletin and shall become effective February 1, 2015.

BY THE COURT,

s/James G. Arner
_____ P.J.

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER	**:**	
AMENDING THE BOOKING CENTER	**:**	
FUND FEE TO $100 FROM $50	**:**	
	:	**No. 1395 CD 2013**

AMENDED ADMINISTRATIVE ORDER
INCREASING BOOKING CENTER FEE

AND NOW, December 11, 2013 as per 42 Pa.C.S.A. §1725.5 and following the adoption of a countywide booking center plan, which plan was effective November 15, 2009 any defendant who is:

1. placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L. 223, No. 64) known as The Controlled Substance, Drug, Device and Cosmetic Act

2. Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

   (i) 18 Pa. C.S. § 106(a) (relating to classes of offenses).
   (ii) 75 Pa. C.S.§ 3735 (relating to homicide by vehicle while driving under the influence).
   (iii) 75 Pa.C.S. §3802 (relating to driving under influence of alcohol or controlled substance).
   (iv) A violation of the Controlled Substance, Drug, Device and Cosmetic Act.

is required by the court to pay a booking center fee fund, which was originally established at Fifty Dollars ($50.00) and is now increased to One Hundred Dollars ($100.00) which funds are deposited into a special Central Booking Center Fund, which fund has been created by the Clarion County Clerk of Courts in conjunction with the Treasurer of Clarion County. Such funds shall continue to be used solely for the implementation, operation and maintenance of the Central Booking Center and requisitions for payment of such expenses shall be submitted for payment by the Clarion

County District Attorney's Office through the usual requisition process utilized by the County of Clarion.

Any booking center fee fund charged on a case that is disposed of at the Magisterial District Court Office and is not waived or otherwise transferred into Common Pleas Court, shall be submitted to the Treasurer of Clarion County as a CA29 fee. Upon submission of funds to the County of Clarion, the Magisterial District Court shall clearly indicate those funds designated as CA29 fees, so they may be properly deposited into the Central Booking Center Fund.

This order shall become effective thirty days after its publication in the Pennsylvania Bulletin.

BY THE COURT,

s/James G. Arner
_____ P.J.

IN THE COURT OF COMMON PLEAS
OF CLARION COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER	**:**	
AMENDING THE BOOKING CENTER	**:**	
FUND FEE TO $100 FROM $50	**:**	
	:	**No. 1395 CD 2013**

ORDER

AND NOW, January 22, 2014 the Administrative Order dated December 11, 2013 increasing the booking center fund fee to one-hundred dollars ($100) from fifty ($50) is effective as of March 1, 2014. The effective date is now able to be established following publication in the Pennsylvania Bulletin on January 18, 2014 and shall immediately be placed on the website of the Unified Judicial System.

BY THE COURT,

s/James G. Arner
_____ P.J.