

**COURT OF COMMON PLEAS OF MONROE COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
43RD JUDICIAL DISTRICT**

RE: Administrative Order 2009.

: No. AD 20 2009

**ORDER**

*And Now*, this 9th day of February, 2009, pursuant to Pa.R.Crim.P. 117, *It Is Ordered* that the following procedures shall be utilized to ensure sufficient availability of Magisterial District Judges to provide, within the Forty-Third Judicial District, those services required by the Rules of Criminal Procedure and the Protection from Abuse Act:

*It Is Further Ordered* that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts - Criminal of the Court of Common Pleas of Monroe County.

**1. During Normal Business Hours**

- (a) Normal business hours shall be construed as Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.
- (b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the rules relating to venue.

**2. Duty On-Call Magisterial District Judge**

- (a) The Magisterial District Judge Court Administrator shall establish a rotating schedule assigning a duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the County as required by the Rules of Criminal Procedure and the

Protection from Abuse Act.

(b) On weekdays when the Court is open for business, the duty Magisterial District Judge shall be on duty from 4:30 p.m. until 8:30 a.m. the following morning. On weekends and holidays, he or she shall be on duty from 8:30 a.m. until 8:30 a.m. the following day.

### **3. Bail and Warrants**

(a) The duty Magisterial District Judge shall be available without unreasonable delay throughout the hours of his or her duty assignment at the established office of the duty Magisterial District Judge for the purpose of accepting the posting of a defendant's bail.

(b) The duty Magisterial District Judge shall be available without unreasonable delay at his or her established office throughout the hours of his or her duty assignment for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue the warrant in accordance with the requirements of Rules 203 and 513.

(c) Monetary bond may be posted outside of regularly scheduled daily work hours at the Monroe County Correctional Facility. The Warden of the Monroe County Correctional Facility, or in his absence, his designee in charge shall be authorized to accept bail deposits as provided in Rule 117, having the defendant sign the bail bond, releasing the defendant and delivering the bail deposit and bail bond to the issuing authority or The Clerk of Courts. After hour bail deposits must be in the form of cash, money order or bail bond. The posting of \$10,000.00 or more in cash shall require the submission of Form 8300, an Internal Service Regulation. All persons wishing to post bail after hours shall contact the Monroe County Correctional Facility at (570) 992-3232.

### **4. Preliminary Arraignments Outside Normal Hours**

(a) **Weekdays** - When an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 4:30 p.m. and 8:30 a.m. the following day, the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment. The duty Magisterial District Judge shall be responsible for conducting preliminary arraignments on individuals arrested during their emergency duty schedule.

(b) **Saturdays, Sundays and Holidays** - When an individual is placed under arrest by law enforcement and requires arraignment:

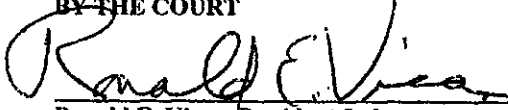
(1) Between the hours of 8:30 a.m. and 4:30 p.m., the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

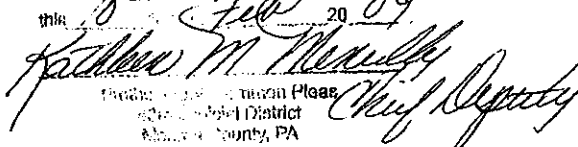
(2) Between the hours of 4:30 p.m. and 8:30 a.m. the following day, the duty Magisterial

District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(3) Emergency Protection From Abuse Orders - When an individual seeks an emergency protection from abuse order outside normal Court business, the duty Magisterial District Judge shall speak with the individual by phone to establish a time at which the individual will be available for hearing. At the agreed time the duty Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing and either issue or deny the requested order by the use of advance communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the proceedings at his or her established office without unreasonable delay.

**5. The effective date of this Order shall be March 1, 2009.**

BY THE COURT  
  
Ronald E. Vican, President Judge

CERTIFIED FROM THE RECORD  
this 10<sup>th</sup> day of Feb, 2009  
  
Matthew M. Mearns, Chief Deputy  
Monroe County, PA

CC: All District Courts  
Clerk of Courts  
District Attorney  
Public Defender  
Monroe County Correctional Facility  
Women's Resources of Monroe County  
MDJ Court Administration