

FILED

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

2020 SEP 22 PM 2:12

CARBON COUNTY
PROTHONOTARY

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. 55 MM 2020

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
56th JUDICIAL DISTRICT

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. CP-13-AD-002-2020 Clerk of Courts
: 20-0575 Prothonotary
: 20-9103 Register of Wills/Orphans Court

SEVENTH AMENDED ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 22nd day of September, 2020, pursuant to the authority granted in the Pennsylvania Supreme Court's Per Curiam Order dated May 27, 2020, and in accordance with the exercise of emergency powers under Rule of Judicial Administration 1952(B)(2), the Judicial Emergency in the 56th Judicial District is hereby extended through and including December 31, 2020. This Order extends and is a continuation of the Sixth Amended Administrative Order No. 6-2020 docketed in the above-numbered dockets, as amended herein, which Sixth Amended Administrative Order extended the Judicial Emergency in the 56th Judicial District through September 22, 2020. As previously provided in the Sixth Amended Administrative Order, the Court of Common Pleas and the Magisterial District Courts in this Judicial District shall generally be open to conduct all court business, unless otherwise specified herein, and subject to the limitations and restrictions provided herein.

JURY TRIALS

1. Consistent with prevailing health and safety norms, including the need to maintain social distancing, voir dire and the conducting of jury trials, both criminal and civil, shall be held only in Courtroom No. 1 of the Carbon County Courthouse, and such

other locations as may become available and are determined by the court to be suitable for the conducting of jury trials. For this reason, at this time, a limited number of jury trials will be able to be held each term. The District Attorney and Chief Public Defender are requested to provide the court with a list of those cases which are ready for trial, giving priority to those cases for which charges have been pending the longest, a minimum of two weeks in advance of the Call of the Criminal Trial List as appears in the Carbon County Court Calendar. A minimum of five cases shall be provided for each scheduled Criminal Trial Term. At this time, it is anticipated that criminal jury trials on a limited basis will be held during the weeks of September 28, 2020 and December 7, 2020, with the Call of the Trial List for the week of December 7, 2020, to be held on November 30, 2020, and December 1, 2020, at 9:00 A.M., and such other dates and times as set by Court Administration of which the parties will be notified, and that jury trials for civil matters will be held during the week of October 26, 2020. Criminal pre-trials scheduled for October 15, 2020, and thereafter as appear in the Court Calendar, shall be staggered and rescheduled by Court Administration for October 15, 2020, and such other dates of which the parties will be notified.

IN-PERSON PROCEEDINGS

2. Unless otherwise directed, all in-person criminal pleas, sentences and hearings to consider ARD applications shall be scheduled to be held in Courtroom No. 1 of the Carbon County Courthouse at one of the following staggered times: 9:00 A.M., 10:00 A.M., 11:00 A.M., 1:15 P.M., 2:15 P.M. and 3:15 P.M. Where a defendant is incarcerated, defendants are encouraged to allow such proceedings to be conducted by advanced communication technology with all required paperwork (*i.e.*, written waiver of in-person attendance, written guilty plea colloquy, and notification of post-sentencing

rights) to be completed in advance of the proceeding and made available at the time of the proceeding. Court Administration is directed to make every reasonable effort to arrange such pleas, sentencings and hearings on applications for ARD dispositions where the defendant is incarcerated by use of advanced communication technology. Due to the continuing danger of spreading COVID-19 between prisons and correctional facilities, requests for transportation of defendants from state correctional institutions or out-of-county prisons to the Carbon County Prison for defendants to appear in person in open court may not be able to be accommodated.

3. At all proceedings and hearings before a Court of Common Pleas Judge, Magisterial District Judge, Custody Hearing Officer, or Support Master - including all proceedings where criminal pleas are received, sentences are imposed and action is taken on pending ARD applications - at which parties, their counsel, victims, advocates, or witnesses appear in person, all such persons will be required to wear masks during the proceeding (unless a medical condition of which the court has been informed prevents the wearing of a mask and the presiding judicial officer excuses this requirement) and social distancing of at least six feet will be enforced. Excluding those proceedings involving a right to public and press access, no non-essential visitors, including children, shall be permitted to be present at such proceedings. With respect to those proceedings open to the public and press, provision shall be made to ensure some reasonable means of access. Nor shall anyone be permitted to attend in person who has been directed to quarantine, isolate or self-monitor at home for COVID-19 by a doctor, hospital or health agency, or anyone who has been diagnosed with or within the most recent fourteen-day period has had close contact with anyone diagnosed with COVID-19, or anyone who exhibits flu-like symptoms.

GENERAL DIRECTIVES

4. The use of advanced communication technology to conduct court proceedings that are not otherwise required by constitutional limitations to be conducted in person is encouraged and will be so scheduled in accordance with the directives of the presiding judicial officer to the extent the same can be done effectively and efficiently.

5. Consistent with previous Administrative Orders in this matter, when age or an underlying health condition places a party, counsel or material witness at higher risk or danger from COVID-19, continuances – when such grounds are adequately documented to the satisfaction of the presiding judicial officer - shall be liberally granted by the Common Pleas Judges and Magisterial District Judges of this Judicial District.

NOTICE

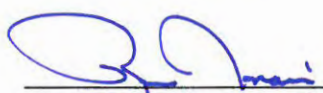
6. Within twenty-four hours, the District Court Administrator shall ensure that a copy of this order is:

- a. Filed with the Prothonotary of the Supreme Court of Pennsylvania in the Middle District Office;
- b. Transmitted to the Court Administrator of Pennsylvania;
- c. Posted conspicuously on the entry doors of the Carbon County Courthouse and on all Magisterial District Courts of the 56th Judicial District;
- d. Posted on this court's website; and
- e. Transmitted to the Carbon County Bar Association with the request that the Association promptly forward a copy to all members.

EFFECTIVE DATE

7. This order is effective as of 12:00 A.M. on September 22, 2020, and is intended to be an immediate continuance of the preceding Sixth Amended Administrative Order No.6–2020 dated July 24th, 2020.

BY THE COURT:



Roger N. Nanovic, P.J.