

COURT OF COMMON PLEAS, 43rd JUDICIAL DISTRICT – CRIMINAL DIVISION
MONROE COUNTY

Rules of Construction

RULE 1 - TITLE AND CITATION OF RULES

These Rules shall be known as “Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania, Rules of Criminal Procedure” and may be cited as “Monroe Co.R.Crim.P. _____”.

RULE 2 - EFFECTIVE DATE

Each Rule adopted by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

**RULE 11 - APPROVAL OF POLICE COMPLAINTS AND ARREST WARRANT
AFFIDAVITS BY ATTORNEY FOR THE COMMONWEALTH**

The District Attorney of Monroe County, Pennsylvania, having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 101A, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging any felony of the first degree under the Pennsylvania Crimes Code, or any felony under the Controlled Substance, Drug, Device and Cosmetic Act of Pennsylvania, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rule 106 - Motions for Continuance

(A) All motions for continuance shall be in writing and shall be filed with the Clerk of Courts, unless exceptional circumstances prevent a written motion. A written motion for continuance shall state that counsel has requested opposing counsel's concurrence and describe opposing counsel's response. A copy of the motion shall be served on opposing counsel at or before the time of filing.

(B) Written motions for continuance of a case to a later trial term shall be filed no later than 48 hours before the Final Call. All cases granted a continuance will be rescheduled to a new Final Call.

(1) Any motion filed later than 48 hours before the Final Call shall describe the reason why the motion was not timely filed, such as because grounds for the motion did not previously exist, or that counsel was previously unaware of the grounds for the motion or that the interests of justice require it.

(C) All motions for continuance shall contain a procedural history of the case beginning with the date of filing of the complaint and shall describe the dates of previous requests for continuances. The motion shall also state whether the court has previously limited future motions for continuance.

(D) The title of the motion shall state the number of times counsel has sought a continuance, for example: "SECOND MOTION FOR CONTINUANCE."

**RULE 117 - COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS
AND SUMMARY TRIALS; AND SETTING AND ACCEPTING BAIL**

1. Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, during such hours as established by Order of the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the court.
2. Continuous coverage for the issuance of warrants, the holding of preliminary arraignments and summary trials, and the setting and accepting of bail and collateral shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.
3. An on-call Magisterial District Judge, while on-call, and the Clerk of Courts on any day and at any time, are authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

RULE 135 – TRANSCRIPT OF PROCEEDINGS BEFORE ISSUING AUTHORITY

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(c) *Electronic Transmission.*

- (1) The transcript of proceedings and any associated documents shall be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.
- (2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.
- (3) The issuing authority shall retain the physical paper copy and associated documents as may be required by rule of court or records retention policies.

RULE 150 - BENCH WARRANTS

1. When an individual is committed to the Monroe County Correctional Facility pursuant to a bench warrant, he/she shall be detained pending a bench warrant hearing. The Warden, or his designee, shall notify the Monroe County Court Administrator and Sheriff that the subject of the warrant is in custody. In the event, the subject of the warrant is lodged at the Monroe County Correctional Facility after the close of the business day; the warden shall notify the Court Administrator as required by this paragraph at the opening of the next business day.
2. If the subject voluntarily surrenders, the Court Administrator must be immediately informed by the agency to which the subject has surrendered. In the event the subject of the warrant surrenders after the close of the business day, the agency shall notify the Court Administrator as required by this paragraph at the opening of the next business day.
3. Upon receiving notice that a bench warrant has been executed or that the subject has surrendered, the Court Administrator shall immediately notify the issuing judge, the district attorney, any counsel of record and the public defender that the subject is in custody. In the event the issuing judge is unavailable, notice shall be given to a judge of this Court who is available. After consultation with the judge, the Court Administrator shall schedule a hearing to be held as soon as possible, but not later than 72 hours after the subject has been lodged at the Monroe County Correctional Facility. The Court Administrator may give oral notice of this hearing, along with written notice, and shall maintain a record of that notice.

RULE 303 - ARRAIGNMENT

Arraignment may be in writing as an alternative to an appearance by the defendant. At the discretion of the district attorney, a personal appearance by the defendant may be required. The form for arraignment shall be as follows:

Case No. Date:

Defendant's Name:

Address:

S.S. Number: -----

Driver's License Number: _____ State _____

Defense Counsel's Name:

I.D. Number:

I, the undersigned Defendant, understand the nature of the charges filed against me by the Commonwealth of Pennsylvania and do hereby waive formal arraignment and do expressly waive my right to appear for arraignment.

Commencing with the date of this Waiver, I acknowledge the right to request a bill of particulars within seven (7) days; to file a discovery motion and inspection within fourteen (14) days; and to file an omnibus pretrial motion within thirty (30) days, unless extended by order of court.

I further acknowledge that I must personally attend the call of the criminal trial list scheduled for _____, at 8:30 A.M., Courtroom No. 1, Monroe County Courthouse, Stroudsburg, Pennsylvania, and be present for trial during the _____ Criminal Trial Term commencing _____, at 8:30 A.M, in Courtroom No. 3, Monroe County Courthouse, Stroudsburg, Pennsylvania.

Date

Signature of Defendant

Date

Signature of Defense Counsel

**RULE 460 – NOTICE OF APPEAL; TRANSMITTAL OF TRANSCRIPT AND
ASSOCIATED DOCUMENTS**

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(e) *Electronic Transmission.*

- (1) The transcript and any associated documents shall be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.
- (2) The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.
- (3) The issuing authority shall retain the physical paper copy and associated documents as may be required by rule of court or records retention policies.

RULE 547 – TRANSMITTAL OF TRANSCRIPT AND ASSOCIATED DOCUMENTS

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(d) *Electronic Transmission.*

- a. The transcript of proceedings before the issuing authority and any associated documents shall be electronically scanned and transmitted to the clerk of courts in digital format in lieu of transmitting the physical paper transcript and associated documents.
- b. The electronically scanned transcript and associated documents shall constitute the original documents for purposes of these rules.
- c. The issuing authority shall retain the physical paper copy and associated documents as may be required by rule of court or records retention policies.

RULE 576.1 - ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS

(A) General Scope and Purpose of this Rule.

The electronic filing of legal papers in the Court of Common Pleas, 43rd Judicial District, is authorized in accordance with Pa.R.Crim.P. 576.1 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

(B) The Administrative Office of Pennsylvania Courts agreed upon the implementation plan for the use of PACFile in the 43rd Judicial District as of June 28, 2016.

(C) Pursuant to Pa.R.Crim.P. 576.1(B)(2) and this local rule, use of the current electronic filing system, or any subsequent electronic filing system authorized by the Court, is mandatory as of January 1, 2022 and legal papers permitted and excluded from electronic filing are as defined in Pa.R.Crim.P. 576.1(C).

(D) The Clerk of Courts shall maintain an electronic file only, except for filings expressly excluded in Pa.R.Crim.P. 576.1(C) defining “legal paper.” For such filings, the Clerk of Courts shall maintain a paper file numbered in accordance with the electronic file for the same case.

(E) PACFile

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania’s Unified Judicial System Web Portal at:

<https://ujportal.pacourts.us/>

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(F) Legal Papers Filed in a Paper Format.

Any legal paper submitted for filing to the Clerk of Courts in a paper (or “hard-copy”) format, whether required or permitted under this rule, shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of Court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to pdf, add it to the electronic system, and return the paper copy to the filer, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C). Once converted to pdf, the pdf version of the legal paper shall be deemed and treated as the original legal paper and may be used

by the parties and the Court for all purposes, including but not limited to, court hearings and trials in the Court of Common Pleas, 43rd Judicial District.

(G) Filing Fees

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(H) Record on Appeal

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (F), shall become the record on appeal.

(I) Confidential information.

Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved A O P C *Confidential Information Form*. The *Confidential Information Form* shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy.

(J) Miscellaneous provisions.

The Clerk of Courts shall provide sufficient computer terminals at such locations

as may be determined from time to time to allow parties and the public to file and access legal papers as provided by this rule and as authorized by applicable Public Access Policies.