

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

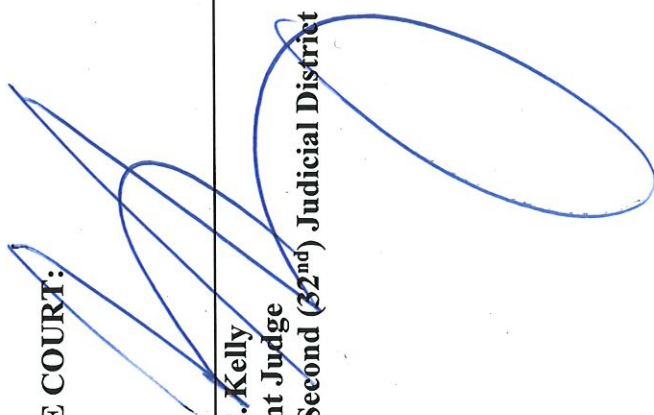
IN RE: CRIMINAL SECTION : NO. MD 1545-17
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: :
Operational and Scheduling Protocols :

PRESIDENT JUDGE ADMINISTRATIVE ORDER

AND NOW, this 12th day of August, 2021, it is hereby **ORDERED** and **DECREED** in consultation with the Liaison Judge and District Court Administrator that the attached, criminal section operational and scheduling protocols¹ **SHALL** become **EFFECTIVE, SEPTEMBER 1, 2021**.

That directed above and dependent as subsequent, material circumstances warrant and/or it is otherwise believed appropriate may be revisited by the court and modified, in whole or part.

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ The appended, operational and scheduling protocols for the criminal section recognize, *inter alia*, that there are still some ongoing concerns attendant to the COVID-19 public health crisis.

DELAWARE COUNTY COURT OF COMMON PLEAS

CRIMINAL SECTION OPERATIONAL AND SCHEDULING PROTOCOLS

PURPOSE

Recognizing the Supreme Court of Pennsylvania has directed, *inter alia*, that the commonwealth's judicial districts must continue making constant best efforts to accomplish a full-scale processing of cases and that the COVID-19 public health crisis has as of this date been notably abated, albeit with ongoing modifications by applicable governmental authorities of the previously imposed coronavirus mitigation restrictions, this court in consultation with core systematic stakeholders has developed and is implementing the following described plan as what is intended to be a purposefully measured, transitional, operational increment realizing the balance between the utmost concern of the judiciary for the safety of court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally, while also being mindful of the necessity to once more provide with comprehensive regularity for the timely administration of justice.

That instructed below as material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the subsequent concerns, if any, presented by the still continuing COVID-19 public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL persons entering the Delaware County Courthouse and/or **ANY** offices of judicial agencies **MUST** be in **FULL COMPLIANCE** with **ALL** federal and/or state directives then in place to stem the coronavirus spread, if any, and as may be applicable to a given individual (*E.g.* Fully vaccinated and two (2) weeks subsequent to a final such inoculation shot or unvaccinated).

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY NOTIFY** via counsel the presiding judge's chambers that he or she is suffering from such symptoms. The judge through his or her staff will provide direction about a next course of proceeding and relatedly, a subsequent listing date. (If unaware of the assigned and/or presiding judge, an interested party and/or the involved attorney should instead contact the District Court Administrator's Office – 610 891-4557.)

ANY litigant, lawyer, witness and/or other interested party having been tested and/or diagnosed by a physician positive for COVID-19 **AND** resultantly still being under a medical professional's

quarantine instruction **SHALL NOT** report as scheduled, but instead **MUST PROMPTLY** by the involved lawyer notify **PRIOR TO THE LISTED DATE** the assigned judge and follow the salient direction of the designated judge through his or her chambers personnel. (If unaware of the assigned and/or presiding judge, an interested party and/or counsel should instead contact the District Court Administrator's Office – 610-891-4557.)

ANY member of the general public experiencing a dry, persistent cough, shortness of breath, difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **SHALL NOT** enter the Delaware County Courthouse and/or **ANY** judicial departmental offices.

ANY member of the general public having been past tested and/or diagnosed by a physician positive for the coronavirus **AND** resultantly yet being under a medical professional's quarantine directive **SHALL NOT** then enter the Delaware County Courthouse and/or **ANY** judicial agency's office.

Subject to that detailed above (*E.g.* person under a treating doctor's COVID-19 quarantine instruction) and/or below (*E.g.* because of the reconfiguration of jury seating in a given courtroom, there is otherwise inadequate spacing to permit sufficient social distancing), **ALL** criminal trial court proceedings **MUST** be open to the public generally.

ANY credentialed members of the media wanting to attend a criminal listing and advised by judicial personnel staffing a courtroom – hearing room that access to the same cannot then be allowed due to space constrains should contact District Court Administrator Gerald C. Montella, Esquire (610 892-4557) to allow for reasoned, immediate access. It is suggested that credentialed media members should contact the District Court Administrator, Gerald C. Montella, Esquire (610 891-4557), in advance to arrange to attend any proceeding expected to garner appreciable public interest. (Should the press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (*E.g.* due to the appreciable numbers present adequate distance in a courtroom not possible), if any, the District Court Administrator in collaboration with interested press will create a pool of representative media members to attend *in-person* such court proceedings.

Unless the presiding judge and/or another judicial officer directs the contrary, credentialed press members will still be able to listen to audio recordings of the court proceedings at the Office of Court Electronic Recording as arranged through its director, Richard J. Coogan (610 891-4477). No more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing – trial, unless the presiding judge and/or another judicial authority via his or her order direct otherwise, by contacting

its director, Richard J. Coogan (610 891-4477), to listen to at the Court Electronic Recording Office the same.

ALL *in-person* listings MUST be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers of Control for Disease and Prevention coronavirus guidelines, as well as other such federal, state, and/or county public health directives, if any. The presiding judge as he or she believes necessary to assure compliance with any governmental instruction designed to stem the COVID-19 spread may limit the number of persons permitted at a given time in a courtroom – hearing room, as well as direct such additional safeguards (*E.g.* wearing of a mask) he or she reasonably believes is warranted.

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directive(s) of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in any courtroom – hearing room. As should be necessary, court officers may *temporarily* prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties, witnesses and/or the public generally to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* a then unused courtroom – hearing room) then designated for overflow purposes by the District Court Administrator, if any.

If a court officer encounters difficulties and/or the refusal of any interested party, a lawyer, witness and/or member of the public in following his or her direction about entering a courtroom – hearing room and/or maintaining sufficient distancing in a courtroom – hearing room, the same **MUST** be promptly reported to the presiding judge and if such personnel are present, deputy sheriffs and/or park police officers.

Continued failure of an interested party, counsel, witness and/or member of the public to follow the governmental directives, if any, and/or those of the presiding judge, whether instructed by the jurist or through a court crier – court officer, material to stemming the coronavirus spread may, *inter alia*, result in any such individual’s immediate removal from the courthouse – governmental complex by sworn personnel of the Delaware County Park Police or the Delaware County Sheriff’s Office. In the event a person for this non-compliance is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding of the matter involving that party, lawyer, and/or witness of the removal.

ALL courtrooms – hearing rooms utilized for *in-person* proceedings will following the conclusion of a given day’s cases be sanitized, as will those areas of the courthouse commonly used for individuals to get to and from a courthouse – hearing room (*E.g.* courthouse’s public elevators and the stairwell to the second floor).

CRIMINAL SECTION

General Scheduling through September 3, 2021

From the present through and including Friday, September 3, 2021, and consistent with the appended, sectional calendars,¹ six (6) of the nine (9) criminal judges will continue sitting for at least three (3) week terms while the other three (3) then have office weeks, on a continuing, rotational basis with each judge slated to be in court having a specific slot Monday, Tuesday or Wednesday to select weekly a jury. On those days (Mondays, Tuesdays and Wednesdays), jury selection for the designated judges will begin in the morning promptly at 9:00 a.m. and an afternoon selection of a second jury commencing at 2:00 p.m. sharp.

There will for now and continuing through Friday, September 3, 2021, be no criminal court proceedings on Thursdays, excepting Gagnon II and other such video listings detailed below, unless the president judge or criminal liaison then approve such a scheduling to allow protection from abuse (“PFA”) hearings to be divided among a number of judges as is further described in the current family section protocols with a smaller sized lists and all such cases heard in the larger criminal courtrooms. There may on occasion be a day other than a Thursday when protection from abuse matters are scheduled and if so, that week’s PFA cases will be set on Wednesday with no *in-person* criminal prosecutions for those reasons noted above listed that day (Wednesday), but the Gagnon II hearings and other video proceedings will in lieu of Thursday be set for that Wednesday. The criminal judges sitting in any such week (*I.e.* PFA’s on Wednesday) can list *in-person* matters on Thursday, including but not limited to ongoing jury trials.

From the present until and including Friday, September 3, 2021, jury selection will continue to take place in **ONLY** courtroom No. 1. As the presiding judge in his or her reasoned discretion believes appropriate, individual *voir dire* may take place at sidebar and/or in the deliberation room of courtroom No. 2 (immediately behind and to the right of courtroom No. 1). (The deliberation room of courtroom No. 2 remains outfitted for purposes of maintaining a proper record with a CourtSmart electronic recording system.) Once seated, the presiding judge, counsel, the accused and the jury for the conducting of the trial will relocate to an assigned courtroom. Courtrooms Nos. 2, 3, 4, 5, 6 and 9 will for criminal jury trials still be utilized. (Counsel and/or any other interested party should contact the chambers of the presiding judge to learn regarding a specific trial what courtroom he or she will be sitting. Alternatively, assigned courtroom inquiries can be directed to the Court Administrator’s Office (610 891-4550)).

Courtroom Nos. 2, 3, 4, 5, 6 and 9 will stay for purposes of criminal jury trials reconfigured.² Excepting courtroom Nos. 6 and 9, the fourteen (14) jurors (twelve (12) jurors proper and two (2) alternates) will instead of being located in the jury box will continue to be dispersed about assigned seats throughout the courtroom’s body.³ The “witness stand” in courtroom Nos. 2, 3, 4 and 5 will remain relocated to the second or higher row of the jury box for a witness testifying from the seat closest the courtroom’s body. (Amplification and recording devices will stay in place directly proximate to this relocated “witness stand.”) Counsel tables in these courtrooms (Nos. 2, 3, 4, and 5) will have chairs

positioned on either side allowing the lawyers at the presiding judge's discretion, as well as the accuseds, reasonable sightlines for both this repositioned "witness box" and the jurors throughout the courtroom.

Courtroom Nos. 6 and 9 will remain as currently reconfigured with a number of jurors located in and/or about the box with the balance situated in assigned seats about the courtroom's body.⁴ In these courtrooms (Nos. 6 and 9), the witnesses will continue to testify from the traditional stand.

From the present through and including Friday, September 3, 2021, the criminal juries when so directed by the presiding judge will deliberate to a verdict in the assigned courtroom (Nos. 2, 3, 4, 5, 6 and 9). Court officers, deputy sheriffs and/or park police will on the start of deliberations through their conclusion be assigned to the hallways just outside any such courtroom's front and back entrance doors to assure the jury's deliberative processes remain confidential.

From the present until and including Friday, September 3, 2021, for those matters during the course of a trial a judge must entertain outside of the jurors' presence and with the accused's direct participation, hearing rooms A-1, E and F will be available (*E.g.* The court's colloquy of a defendant at the close of the prosecution's case-in-chief about his or her election to testify.). The Office of the District Court Administrator will via a daily email notify the six (6) judges then sitting for such purposes which hearing rooms (A-1, E and F) on a given day are available. **ALL** these emails will be copied to **BOTH** of the scheduled judges' chambers clerical personnel. (Because of formal arraignments continuing to be held in hearing room E, there will be days the same is not available; however, there should at all times be at least two (2) of these three (3) hearing rooms (A-1, F and/or E) reasonably accessible to a judge presiding over a jury trial through and including September 3, 2021.)

For now and continuing through and including Friday, September 3, 2021, courtroom Nos. 14, 15 and/or 16 are yet available **on request** to be used by the criminal judges then having office week(s) and/or whose courtroom(s) are not available because of ongoing jury deliberations for **any type non-jury** proceeding, including but not limited to suppression hearings, PCRA evidentiary listings and/or non-jury trials. (Because of summary appeal hearing lists, there are certain Tuesdays every month **until and including September 3, 2021**, when some or all of these courtrooms (Nos. 14, 15 and/or 16) may not be available.) Any judge wanting to utilize courtroom Nos. 14, 15 and/or 16 **MUST** request the same **in advance** via an email to District Court Administrator, Gerald C. Montella, Esquire, copied to Mary E. Donnelly, Project Specialist. It is **ONLY** after the Court Administrator's Office has confirmed such availability that courtroom Nos. 14, 15 and/or 16 may be used. In addition to the sought-after date and anticipated time of use (*E.g.* Half day beginning at 9:00 a.m.), these emails **MUST** also note whether a given matter involves a jailed defendant and/or need for video. (Currently, only courtroom No. 14 is outfitted with the equipment and/or connections necessary to video listings.)

Appreciating the criminal judges will **through September 3, 2021**, be sitting only four (4) days weekly, as well as that office weeks will be for a three (3) week period, time sensitive listings, including but not limited to bail filings and/or any other type hearing which may result in a defendant's discharge

from prison (*E.g.* time-served guilty pleas), although assigned to a judge may at that designated jurist's request and with the agreement of a judicial colleague be heard otherwise sooner.

Gagnon II and Other Video Hearings through September 3, 2021

Recognizing that because of the continuing need for protection from abuse cases to be heard in a smaller list format by the family judges in those larger courtrooms yet precludes there having on Thursdays *in-person* criminal matters, each judge scheduled to sit in a given week will be able to hear by video his or her Gagnon II cases every Thursday *through September 3, 2021*. Such is reflected on the appended calendars by those Thursdays (or as applicable a Wednesday) being noted as a "V."⁵ The criminal judges then scheduled to sit may also as can be reasonably arranged with the Legal Audio-Visual Department list any other type video proceedings believed appropriate.

From the present until and including Friday, September 3, 2021, the District Court Administrator's Office will no later than Wednesday of every week continue to email the six (6) criminal judges then scheduled to sit the hearing room – courtroom assignments for that Thursday's Gagnon II hearings and as may be applicable any other video proceedings a judge listed through the legal audio-visual department. **ALL** these emails will be copied to **BOTH** of the scheduled judges' chambers clerical personnel. Consistent with pre-pandemic routines, the criminal judges then set to sit may as well list on a day other than Thursdays any type video proceedings believed appropriate and as the Legal Audio-Visual Office may be able to reasonably effectuate.

Realizing the increased volume of "virtual" proceedings in combination with George W. Hill Correctional Facility (Delaware County Prison) having a limited number of video hearing room facilities, the judges are expected to make every reasonable effort *from the present to September 3, 2021*, to move forward as scheduled with **ALL** these video listings, and counsel, *inter alia*, interested parties for any such "virtual" proceedings **MUST** appear on time promptly.

For now and continuing through and including Friday, September 3, 2021, "technical" Gagnon II matters will continue to be scheduled before the hearing officer. (These cases are usually listed to be heard in hearing E, subject to any other space constraints necessitating the Court Administrator's Office on a given Friday relocate the same. Any inquiries about the assigned hearing room – courtroom for these "technical" Gagnon II hearings can be directed to the Court Administrator's Office (610 891-4550)).

General Scheduling as of September 7, 2021

EFFECTIVE SEPTEMBER 7, 2021, and as the attached, sectional calendars⁶ further detail, six (6) of the nine (9) criminal judges will continue to be listed to sit for at least three (3) week terms with each of these judges then scheduled to be in court having a specific slot Monday, Tuesday or Wednesday to select weekly a jury. Jury selection on these days (Monday, Tuesdays and Wednesdays) for the noted

judges will still commence in the morning promptly at 9:00 a.m. and an afternoon selection of a second jury beginning at 2:00 p.m. sharp.

In lieu of the remaining three (3) judges not listed for jury trials all having office weeks, two (2) of those jurists will *as of September 7, 2021*, be scheduled on a rotational basis for non-jury proceedings as those judges believe appropriate per that which the appended, sectional calendars' further detail. Such is reflected by the attached, criminal calendars *beginning the week of September 7, 2021*, and noted as "NJ."⁸ Judges during these "non-jury weeks"⁹ will sit in courtroom Nos. 14 and 16. The Office of the District Court Administrator will email *in advance* the two (2) "non-jury" judges notice of their respective courtroom assignments. **ALL** these emails will be copied to **BOTH** of the scheduled judges' chambers clerical staff.

EFFECTIVE SEPTEMBER 7, 2021, the weekly PFA hearings will be listed in courtroom No. 1 and as a function in a given week of the number of protection from abuse matters then scheduled warranting smaller sized lists heard additionally in courtroom Nos. 10 and/or 11. Hence, the criminal judges will be able to hold *in-person* proceedings on Thursdays (and as may be applicable Wednesdays), including but not limited to the continuation of any ongoing jury trials.

AS OF SEPTEMBER 7, 2021, **ALL** criminal jury selection will yet take place in courtroom No. 1. As the presiding judge in his or her reasoned discretion believes appropriate, individual *voir dire* may take place at sidebar in the robing room and/or hearing room A-1 (in the front hallway across from courtroom No. 3). Once seated, the presiding judge, counsel, the accused and the jury for the conducting of the trial will relocate to an assigned courtroom. The courtrooms which will be utilized for criminal jury trials presently remain Nos. 2, 3, 4, 5, 6 and 9. (Again, counsel and/or any other interested party should contact the chambers of the assigned judge to learn regarding a specific trial in what courtroom he or she will be sitting. Alternatively, designated courtroom questions can be directed to the Court Administrator's Office (610 891-4550).

EFFECTIVE SEPTEMBER 7, 2021, the presiding judge in his or her reasoned discretion may have the jurors dispersed in the assigned seats throughout the courtroom's body per the appended, reconfigured courtroom charts¹⁰ **OR** seated in the jury box. The presiding judge in the exercise of her or his reasoned discretion may also during the trial and at its conclusion for such purposes have the jurors utilize the assigned courtroom's deliberation room. (*E.g.* Jurors report in the morning to the designated deliberation room and/or the jurors during recesses are directed to the deliberation room.) Likewise, as the presiding judge in his or her reasoned discretion believes appropriate, the jury may hear the trial while in the reconfigured seats about the courtroom's body¹¹ and be instructed to report to the assigned deliberation room, as well as directed to the deliberation room during recesses and/or for purposes of deciding the case. Conversely, the presiding judge in the exercise of her or his reasoned discretion may seat the jurors in the box for purposes of hearing the trial's evidentiary presentation and instruct that the jury deliberate to a verdict in the assigned courtroom with court officers, deputy sheriffs and/or park police

at the start of the deliberative process until its conclusion being assigned to the hallways just outside any such courtroom's front and back entrance doors to assure necessary confidentiality.

For those judges sitting in courtroom Nos. 2, 3, 4, as well as 5, AND seating the jurors in the jury box, the Offices of Legal Audio Visual (Ext. 4577) and Court Electronic Recording (Ext. 4477) MUST be notified of the same modestly in advance (E.g. twenty (20) minutes) so respective personnel may TEMPORARILY remove from the box the various equipment attendant to the relocated witness stand. UNDER NO CIRCUMSTANCES ARE ANY OTHER COURT STAFF TO REMOVE FROM THE JURY BOX THIS EQUIPMENT.

Conversely, should the various equipment attendant to the relocated witness stand in the jury box for those trials held in courtroom Nos. 2, 3, 4 and 5 on the presiding judge deciding the jurors will be seated dispersed about the courtroom¹² need be returned, the Legal Audio Visual (Ext. 4577), as well as the Court Electronic Recording Office (Ext. 4477) must be notified modestly in advance (E.g. approximately twenty (20) minutes) to allow involved staff the time needed to reposition that necessary equipment. UNDER NO CIRCUMSTANCES ARE ANY OTHER COURT STAFF TO EVEN ATTEMPT THE REACTIVATION AND/OR REPOSITIONING OF THIS EQUIPMENT.

EFFECTIVE MONDAY, SEPTEMBER 7, 2021, for those matters during the course of a trial a judge must entertain outside of the jurors' presence, as well as with the accused's direct participation, and where the presiding judge has opted not to utilize the assigned deliberation room, hearing room A-1 will be available. (*E.g. The court's colloquy of a defendant at the close of the prosecution's case-in-chief about his or her election to testify.*)

Calendar changes and Certain Jury Protocols

For reasons such as vacations, the attached criminal section calendars¹³ are subject to change, in whole or part. Any such modifications to the appended, sectional calendars are to be coordinated through the District Court Administrator or his designee and/or the president judge. Once these changes have been processed by the District Court Administrator (or his designee) and/or the president judge, the involved criminal judge(s) are to make the same timely known to the Delaware County District Attorney's Office and the Office of the Delaware County Public Defender, as well as any impacted defense counsel.

Recognizing this judicial district's (32nd – Delaware County) individual calendaring system, each criminal judge will remain responsible for scheduling his or her assigned cases as he or she believes appropriate, including but not limited to jury trials, along with providing the Commonwealth and defense reasonable notice of the same, excepting pre-trial conference listings stemming from the defendant's formal arraignment, which in accord with long-term protocols will be designated by the Office of the Criminal Court Administrator from those such dates the criminal judges have respectively provided that office.

To maximize the modestly limited number of jury selection slots, the assigned judges will yet provide the involved lawyers with a list of at least three (3) cases he or she firmly intends to try on a given day together with an order of these matters trial priority.

To facilitate the timely selection of a jury in both the mornings and afternoons of Mondays, Tuesdays and Wednesdays, **ALL** involved attorneys **AND** the accused, if at liberty on bail, **MUST** report at the time the presiding judge directs, as well as then be prepared to immediately proceed. Failure of a lawyer and/or an accused, if released on bail, to timely appear may, *inter alia*, result in the court continuing that case and instead moving to trial on another matter then scheduled. For those cases on a court's trial list on a certain day with secondary priority (*E.g.* the second or third of the prosecutions then set for trial), counsel **AND** the accused, if at liberty on bail, **MUST** report, as well as be prepared to immediately proceed, no later than thirty (30) minutes subsequent to such notification of the presiding judge. Should a lawyer and/or the accused, if released on bail, in a matter of secondary priority not timely appear as instructed by the assigned judge, the court may, *inter alia*, continue the case to a subsequent date and then move to try another prosecution on that day's trial priority list.

Absent the most extraordinarily compelling of reasons, neither commonwealth nor defense continuances will be allowed on any date a matter is set for jury selection.

The court will not entertain proffered, negotiated guilty pleas on the date a given case is listed for jury selection, absent the most extraordinarily compelling of reasons to the contrary.

Gagnon II and Other Video Hearings Starting September 7, 2021

With the weekly PFA hearings being listed in courtroom No. 1 and as may be needed additionally in courtroom Nos. 10 and 11, **EFFECTIVE SEPTEMBER 7, 2021**, Gagnon II videos for the judges then scheduled to sit, **excepting those having non-jury weeks**,¹⁴ will return to pre-pandemic dates and times. (Judge Pagano – Wednesday at 9:30 a.m.; Judge Bradley – Wednesdays at 9:00 a.m.; Judge Brennan – Tuesdays at 9:00 a.m.; Judge Green – Wednesdays at 9:00 a.m.; Judge Capuzzi – Wednesdays at 8:25 a.m.; Judge Cappelli – Tuesdays at 9:30 a.m.; Judge Scanlon – Tuesdays at 9:30 a.m.; Judge Amoroso – Tuesdays at 9:00 a.m.; Judge Pileggi – Tuesdays at 9:30 a.m.; and Senior Judge Osborne – Wednesdays at 10:00 a.m.) Consistent with the Delaware County trial courts (thirty-second (32nd) judicial district) utilizing an individual calendar system, each criminal judge will yet be responsible for scheduling her or his Gagnon II and/or other video hearings as she or he believes appropriate, along with providing the Commonwealth and defense reasonable notice of the same, as well as involved Delaware County Adult Probation and Parole Office staff.

AS OF SEPTEMBER 7, 2021, for those judges having per the attached, sectional calendars¹⁵ a non-jury week **AND** scheduled to sit in Courtroom No. 14, he or she **may** list Gagnon II matters on Tuesdays at 9:30 a.m. Advanced notice of any such Gagnon II schedulings must be timely provided to

the Commonwealth and defense, as well as impacted staff of the Delaware County Adult Probation and Parole Office and Legal Audio-Visual personnel.

Consistent pre-pandemic routines, the criminal judges then scheduled to sit, excepting those being slated for non-jury weeks,¹⁶ *beginning September 7, 2021*, may also list any type video proceedings believed appropriate on any such date **AND** as the Legal Audio-Visual Office may be able to reasonably effectuate. Similarly, a judge being scheduled for a non-jury week **AND** listed to sit in courtroom No. 14 may as well schedule any type video proceedings believe appropriate on any such date **AND** as Legal Audio-Visual may be able to reasonably arrange.

EFFECTIVE SEPTEMBER 7, 2021, “technical” Gagnon II matters will continue to be listed on Fridays before the hearing officer. (These “technical” Gagnon II lists will usually be held in hearing E; however, such is subject to change as a function of the Court Administrator’s Office arranging on a given Friday for all necessary courtroom – hearing room activity. Once more, counsel and/or any other interested party can direct inquiries about the assigned hearing room – courtroom for these Gagnon II lists to the Court Administrator’s Office (610 891-4550)).

Summary Appeals

EFFECTIVE SEPTEMBER 7, 2021, **ALL** summary appeal matters scheduled for a given date will be halved into two (2) lists, one beginning in the morning and a second set for that same afternoon. Material staff of the Court Administrator’s Office will provide timely notice to **ALL** interested parties of those summary appeal cases reset to an afternoon list. **BEGINNING IMMEDIATELY**, the District Court Administrator on the lodging of summary appeals will set such for next proceedings with not only a date certain, but as well a specific morning or afternoons scheduling. (*E.g.* The first twenty-five (25) summary appeals for a given hearing date are listed in the morning, while the next twenty-five (25) summary appeals set for that same day are given an afternoon listing.)

Rule 150 – “Fast Track” Video Lists

The Rule 150 – “Fast Track” guilty plea video lists will remain scheduled on Mondays and Thursdays.¹⁷ The Rule 150 – “Fast Track” video hearings will be heard by a senior judge and/or a criminal jurist not then otherwise listed to sit. These listings (Rule 150 – “Fast Track” video hearings) are noted on the appended sectional calendars by “GP-BW.”¹⁸

Inmate Transportation

Excepting Thursdays, (or as applicable some Wednesdays) *through Friday, September 3, 2021*, when because of PFA lists, there are no *in-person* criminal court schedulings, there will after ongoing consultations with Jerry L. Sanders, Jr., the Sheriff of Delaware County, and his Chief Deputy, Michael

A. Donohue, be **NO LIMITATIONS** on the number of inmates custodially transported to and/or from any penal facility.

Accelerated Rehabilitative Disposition

Accelerated Rehabilitative Disposition (“ARD”) admissions will still for now not be held monthly in large group numbers. Rather, each week the Office of the Delaware County District Attorney will continue forwarding to the Delaware County Criminal Court Administrator’s Office a list of those accuseds it found to be proper candidates for the ARD program. The Office of the Criminal Court Administrator will promptly notify any assigned judge of those matters that have been approved for ARD by the prosecution or as may alternatively be needed designate a criminal judge to such a case and then timely make aware the newly assigned jurist of the defendant’s ARD eligibility approval. The designated judge will then schedule those pre-approved ARD cases as part of his or her regular, recurring lists. It is still strongly suggested to not occasion a continuance of the case and delay a client’s admission into the ARD program that **ALL** financial responsibilities be satisfied before these schedulings. **ANY** payments necessary to ARD admission can be made in advance through Court Financial Services which can be sent via mail as follows: Court Financial Services – 201 West Front Street, Media, Pennsylvania 19063. **Mailed payments are limited to check or money order. DO NOT MAIL CASH.** Payment of an ARD financial obligation can also be made *in-person* at the Court Financial Services Office prior to any such listing date. ARD defendants still owing money will immediately after the in-court programmatic admission be escorted by their counsel or a court officer to the Court Financial Services Office to then remit any required payment immediately subsequent to the ARD admission hearing. Any *in-person* payments may be by cash, check, money order and/or credit card.

As has been the long-time practice, defendants on the imposition of a sentence or admission into the ARD program will immediately undergo an intake meeting with staff of the Delaware County Adult Probation and Parole Office. This initial processing of sentenced defendants or those admitted into the ARD program will continue to take place in the basement located intake office of Adult Probation and Parole and all those just sentenced and/or placed into the ARD program will be ushered to that office by court officers for those released on bail, while prisoners will be accompanied in the custody of deputy sheriffs.

Formal Arraignments

The Office of the Delaware County Criminal Court Administrator will continue to conduct in hearing room E *in-person* formal arraignments, as well as weekly video conference formal arraignments of those defendants incarcerated, consistent with that office’s material protocols and/or any such applicable local rules.

The Delaware County Court Administrator’s Office will as well **CONTINUE** to accept and process with that court office’s salient protocols and/or applicable local rules written waivers of

arraignment proffered by counsel on behalf of his or her clients, except that to the contrary directed immediately below.

The Criminal Court Administrator's Office will relative to formal arraignments accept an otherwise properly completed waiver of arraignment packet through and including the Thursday immediately preceding the already set date. (*E.g.* Waivers for any formal arraignments listed on September 15, 2021, will be accepted through September 9, 2021.)

ALL lawyers are strongly encouraged to timely and meaningfully discuss with each and every client a possible waiver of his or her formal arraignment, along with the obvious related safety benefits of not having to appear for such purposes *in-person*.

¹ See Attached Criminal Section Calendars.

² See Attached Reconfigured Courtroom Seating Charts.

³ See Attached Reconfigured Courtroom Seating Charts.

⁴ See Attached Reconfigured Courtroom Seating Charts.

⁵ See Attached Criminal Section Calendars.

⁶ See Attached Criminal Section Calendars.

⁷ See Attached Criminal Section Calendars.

⁸ See Attached Criminal Section Calendars.

⁹ See Attached Criminal Section Calendars.

¹⁰ See Attached Reconfigured Courtroom Seating Charts.

¹¹ See Attached Reconfigured Courtroom Seating Charts.

¹² See Attached Reconfigured Courtroom Seating Charts.

¹³ See Attached Criminal Section Calendars.

¹⁴ See Attached Criminal Section Calendars.

¹⁵ See Attached Criminal Section Calendars.

¹⁶ See Attached Criminal Section Calendars.

¹⁷ See Attached Criminal Section Calendars. (The Rule 150 – “Fast Track” guilty plea video lists are noted on these calendars as “GP-BW.”)

¹⁸ See Attached Criminal Section Calendars.

**CRIMINAL CALENDAR
2021**

August

September

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30	31	1	2	3
<i>Liaison Judge Bradley</i>	O	O	O	O	O	TR PM	TR	TR	TR	TR	O	O	O	O	O	O	O	O	O	O	TR AM	TR	TR	V	TR
<i>Judge Pagano</i>	TR PM	TR	TR	V	TR	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	TR PM	TR	TR	V	TR
<i>Judge Brennan</i>	TR	TR AM	TR	V	TR	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	TR	TR AM	TR	V	TR
<i>Judge Green</i>	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	O	O	O	O	O
<i>Judge Capuzzi</i>	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	O	O	O	O	O
<i>Judge Cappelli</i>	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	O	O	O	O	O
<i>Judge Scanlon</i>	O	O	O	O	O	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR	TR PM	TR	V	TR
<i>Judge Amoroso</i>	TR AM	TR	TR	TR	TR	O	O	O	O	O	TR PM	TR	TR	V	TR	TR PM	TR	TR	V	TR	TR	TR	TR PM	V	TR
<i>Judge Pileggi</i>	O	O	O	O	O	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR	TR AM	V	TR

SPECIAL COURTS

<i>P. Judge Kelly</i>		DC		DC			DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC					VC			MHC		VC			MHC		VC					VC			
<i>S. Judge Mallon</i>	GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Day - Gagnon Hearings TR = Non-Jury Trials & Hearings DC = Drug Court MHC = Mental Health Court VC = Veterans Court O = Office

Notes: Back up Judge shall secure a substitute Judge or switch weekly assignments with another Judge and notify Criminal Court Administrator of any changes.

The Judge which is presiding over GP/BW shall also secure substitute Judge for coverage if needed and notify Criminal Court Administrator of scheduling changes.

S. Judge Osborne will be presiding over Veteran's Court and Mental Health Court cases.

P. Judge Kelly will assist S. Judge Osborne in Mental Health Court and Veteran's Court as needed.

August

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30	31	1	2	3
VIDEO TEAM																									

TEAM A: Judge Bradley, Judge Brennan, Judge Amoroso

TEAM B: Judge Green, Judge Capuzzi, Judge Cappelli

TEAM C: Judge Pagano, Judge Scanlon, Judge Pileggi

**CRIMINAL CALENDAR
2021**

September

October

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	6	7	8*	9*	10*	13	14	15	16	17	20	21	22	23	24	27	28	29	30	1
<i>Liaison Judge Bradley</i>		TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR
<i>Judge Pagano</i>		TR	TR	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	TR
<i>Judge Brennan</i>		TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR
<i>Judge Green</i>		NJ	NJ	NJ	NJ	NJ	NJ	NJ	NJ	NJ	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR
<i>Judge Capuzzi</i>		NJ	NJ	NJ	NJ	NJ	NJ	NJ	NJ	NJ	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR
<i>Judge Cappelli</i>		O	O	O	O	O	O	O	O	O	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR
<i>Judge Scanlon</i>		TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	NJ	NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ
<i>Judge Amoroso</i>		TR	TR	TR	TR	TR	TR	TR AM	TR	TR	O	O	O	O	O	O	O	O	O	O
<i>Judge Pileggi</i>		TR	TR	TR	TR	TR	TR	TR PM	TR	TR	NJ	NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ
SPECIAL COURTS																				
<i>P. Judge Kelly</i>		DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC			MHC		VC			MHC		VC					VC			MHC
<i>S. Judge Mallon</i>				GP/BW		GP/BW			GP/BW		GP/BW			GP/BW		GP/BW			GP-BW	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Day - Gagnon Hearings TR = Non-Jury Trials & Hearings DC = Drug Court MHC = Mental Health Court VC = Veterans Court O = Office NJ = Non-Jury
*Bench Bar

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**CRIMINAL CALENDAR
2021**

October

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	29
<i>Liaison Judge Bradley</i>	TR AM	TR	TR	TR	TR		NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ
<i>Judge Pagano</i>	TR PM	TR	TR	TR	TR		O	O	O	O	O	O	O	O	O	O	O	O	O	O
<i>Judge Brennan</i>	TR	TR AM	TR	TR	TR		NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ	NJ	NJ	NJ	TR	NJ
<i>Judge Green</i>	TR	TR PM	TR	TR	TR		TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR
<i>Judge Capuzzi</i>	TR	TR	TR AM	TR	TR		TR	TR	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	TR
<i>Judge Cappelli</i>	TR	TR	TR PM	TR	TR		TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR
<i>Judge Scanlon</i>	NJ	NJ	NJ	TR	NJ		TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR
<i>Judge Amoroso</i>	NJ	NJ	NJ	TR	NJ		TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR	TR	TR	TR AM	TR	TR
<i>Judge Pileggi</i>	O	O	O	O	O		TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR	TR	TR	TR PM	TR	TR
SPECIAL COURTS																				
<i>P. Judge Kelly</i>		DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC			MHC		VC					VC			MHC		VC			MHC
<i>S. Judge Mallon</i>	GP/BW			GP/BW					GP/BW		GP/BW			GP/BW		GP/BW			GP/BW	

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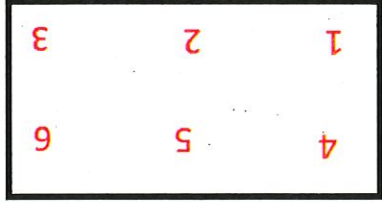
**32ND JUDICIAL DISTRICT
OF PENNSYLVANIA**

Delaware County Courthouse
201 W. Front Street
Media, Pennsylvania 19063

Courtroom 1 – Jury Selection Seating Chart

71	72	73	74		75	76	77	78	
61	62	63	64	65	66	67	68	69	70
53	54	55	56		57	58	59	60	
43	44	45	46	47	48	49	50	51	52
35	36	37	38		39	40	41	42	
25	26	27	28	29	30	31	32	33	34
17	18	19	20		21	22	23	24	
7	8	9	10	11	12	13	14	15	16

Center Aisle



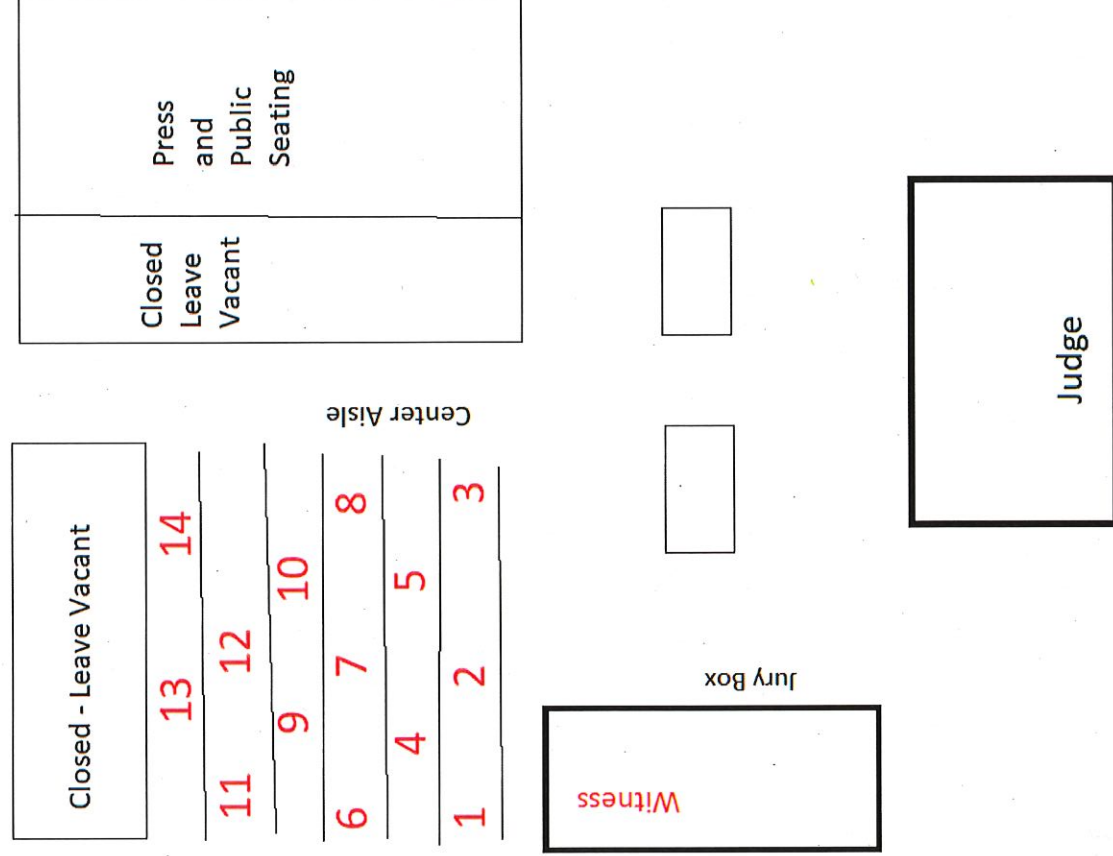
Jury Box



32ND JUDICIAL DISTRICT OF PENNSYLVANIA

Delaware County Courthouse
201 W. Front Street
Media, Pennsylvania 19063

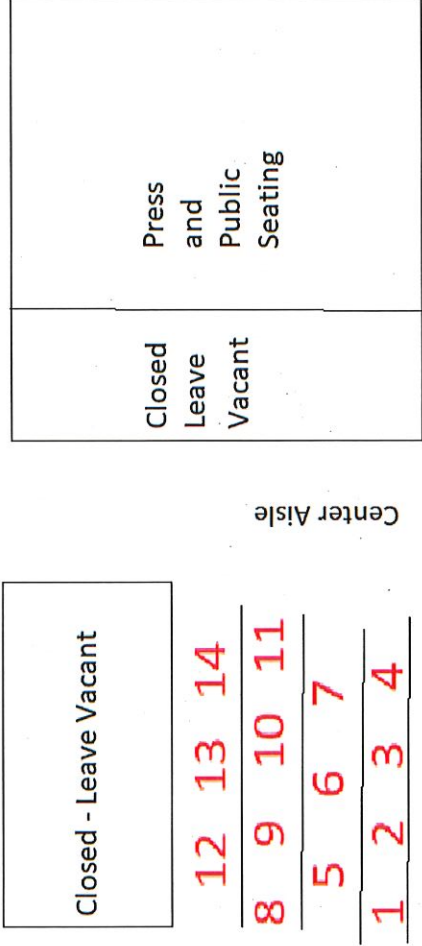
Courtroom 2 – Jury Seating Chart



**32ND JUDICIAL DISTRICT
OF PENNSYLVANIA**

Delaware County Courthouse
201 W. Front Street
Media, Pennsylvania 19063

Courtroom 3, 4 and 5 – Jury Seating Chart



Witness

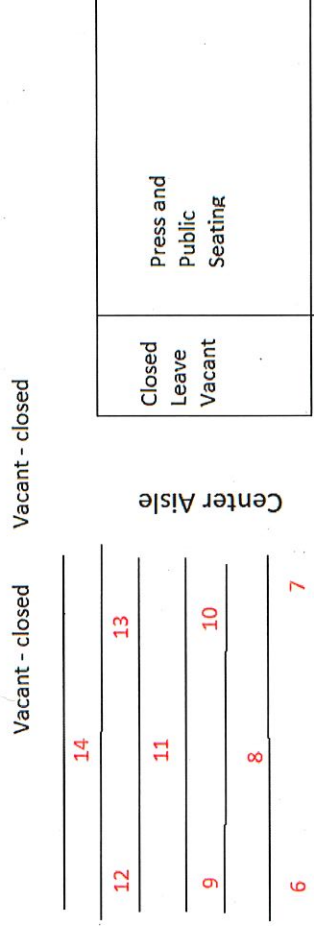
Jury Box

Judge

32ND JUDICIAL DISTRICT OF PENNSYLVANIA

Delaware County Courthouse
201 W. Front Street
Media, Pennsylvania 19063

Courtroom 6 – Jury Seating Chart



32ND JUDICIAL DISTRICT OF PENNSYLVANIA

Delaware County Courthouse
201 W. Front Street
Media, Pennsylvania 19063

Courtroom 9 – Jury Seating Chart

