

LYCOMING COUNTY COURT OF COMMON PLEAS

2006 PLANNED OPERATING PROCEDURES FOR CRIMINAL COURT

1. Arraignments will be scheduled at the preliminary hearing by the Magisterial District Judge. The arraignment date will be 2 to 3 weeks following the preliminary hearing date. The arraignment/pretrial conference dates will alternate between those cases which involve private counsel and those which involve a public defender, with each category having two dates each month, in accordance with a schedule to be published separately from the Court calendar.
2. The arraignment date will also be the first pretrial conference. Attendance at this time and date is mandatory for counsel and the defendant, regardless if ARD applications or other matters are pending. Two courtrooms will operate for Arraignments, ARD, Guilty Pleas, and pretrial conferences. All counsel and clients should be present at 8:30 a.m. Initially, all should report to the courtroom designated by the calendar as the Arraignment courtroom. Arraignments and pretrial conference will be held in that courtroom. The courtroom designated for guilty pleas may also be used for ARD and other dispositions. The court clerks will coordinate the actual scheduling by ascertaining who is present, for what purpose, and then coordinating appearances in each courtroom at the proper time.
3. At the first pretrial conference/arraignment date, guilty pleas will be entered on all plea agreements reached at the preliminary hearing. If the Judge finds it necessary, a specific date for the guilty plea will be assigned for the next guilty plea day as indicated on the court calendar (see chart).
4. At this first pretrial conference, all applications should be made for ARD, Drug Court, or DUI Court and filed, if not previously done.
 - A. In cases where ARD, Drug Court, DUI Court or some other non-trial disposition is pending the next date event will be a status conference which must be attended by counsel and the defendant. At the status conferences:
 - If the ARD application has been approved, the ARD hearing will proceed. If Drug Court or DUI Court is approved, the defendant will be given a date to appear.
 - If no decision has been made on any of the applications, the reasons for a no decision will be reviewed; the parties should be prepared to resolve all issues that relate to non-approval at that time so that the matter can be appropriately scheduled or disposed of.
 - If the application is rejected, the defendant will be scheduled for a plea at that time or the next available plea date if the case is to go to trial, the trial track will be assigned (pretrial, jury selection and trial dates given per calendar, see chart).

B. Cases designated for trial will be assigned a trial track including a second pretrial, jury selection and trial dates. Possible motions will be reviewed and appropriate time allowed for filing and hearing of any such motions. Agreements reached as to matters that might be raised by motions will be entered on record.

5. At the second pretrial conference counsel and the defendant must attend:

- Final plea positions will be discussed including alternatives for disposition of the case, such as refinement of charges.
- Any conflicts as to parties or necessary witnesses as well as other matters affecting their availability for trial on the previously indicated dates must be reported to the Court

- Stipulations and agreements will be made on the record.
- A specific jury selection time and trial dates will be determined; waivers of jury trial will be entered.
- Pleas will be entered for plea agreements reached on this date.
- The Court does not anticipate any further plea negotiations after this date.

6. The case will then proceed to jury selection and trial.

7. Continuances.

A. Any continuance request for an arraignment or pretrial conference must be made as soon as possible to the judge assigned as the arraignment judge, using the written continuance form. (Note: Pending APD applications, etc. are not a proper reason for

- The time needed for trial will be ascertained.