

Laser Fax

Modification 5
Modification 5.55
August 23, 2007

RECALL FOR CANCEL WARRANT

Effective today, the MDJS will allow you to record final charges on a docketed case with a warrant in the status of Recall for Cancel (RCLD). This change was precipitated by several MDJs who expressed concern that the MDJS forced a warrant to be canceled (CNCL) prior to the court having physical custody of the warrant.

AMENDMENTS TO RULES OF CRIMINAL PROCEDURE

The Pennsylvania Supreme Court has adopted new Rule of Criminal Procedure 559 and amended Rules 509, 510, 511, 512, 542, 543, 547 and 571 of the Rules of Criminal Procedure, effective September 4. The changes as described in the following sections will be made on September 4 to the various processes and forms in the MDJS to comply with the new and amended Rules of Criminal Procedure.

Summons and Preliminary Hearing Notice

A criminal court summons must still be served upon the defendant by both first class mail and certified mail, return receipt requested, as appropriate under Rule 511(A). Proof of service by mail includes a return receipt signed by the defendant. Proof of service also includes evidence that the first class mailing was not returned within 20 days after the mailing if the certified mail is returned undelivered or the return receipt is signed by someone other than the defendant. If the summons was mailed pursuant to Rule 511(A) and has been returned undelivered, an arrest warrant is issued. Issue the arrest warrant with the reason code SUND (Summons Undelivered) when the certified summons is recorded as rejected or undelivered and the first class mail was returned. The Docket Inquiry screen will now display a record to indicate if the first class mail was returned as shown in the example below.

FIRST CLASS MAIL RETURNED

8/02/07

DEF 001

NO

The Summons for Criminal Case form (AOPC 618) has been modified to include language that reads, "If you fail to appear for the hearing on the date and at the time and place specified above, the case will proceed in your absence. If any of the charges against you are held for court, a request for a bench warrant against you will be transmitted to the Court of Common Pleas." Additionally, the Notice of Preliminary Hearing form (AOPC 629) has been modified to include language that reads, "If you fail to appear at the time and place above without good cause, you will be deemed to have waived your right to be present at any further proceedings before the Magisterial District Judge and the case will proceed in your absence. If any of the charges against you are held for court, a request for a bench warrant against you will be transmitted to the Court of Common Pleas."

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Preliminary Hearing

- ? If the defendant is absent and the MDJ finds that the defendant did not receive notice, the court will continue the preliminary hearing and issue an arrest warrant for the defendant. When you record the continuance with the reason code P (DEF FTA-NO CAUSE/NO SERVCE), the system will advance you to the Warrant Entry screen. The warrant Action Code defaults to PRIS (Print and Issue). Both an arrest warrant and Notice of Continuance will print after the Warrant Entry screen is completed. When the defendant is located, a preliminary arraignment is conducted and the defendant is given notice of the preliminary hearing in person.
- ? If the MDJ finds that there was good cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a specific date and time. (Note that no service is not considered good cause.) The issuing authority shall not issue a bench warrant. The Notice of Continuance of Preliminary Hearing is to be served on the defendant either in person or by first class mail. Service of the form by certified mail, return receipt requested is no longer required. Therefore, the MDJS will no longer advance and display the service of process screen after continuing a preliminary hearing. The reason code S (FTA- Good Cause) is used to continue the preliminary hearing when good cause was determined by the MDJ.
- ? If the MDJ finds that the defendant's absence is without good cause and after notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceeding before the MDJ. In these cases, the MDJ shall proceed with the case in the same manner as though the defendant were present. If the case is held for court, the change is that the MDJ shall request that a bench warrant be issued by the Court of Common Pleas, rather than the MDJ issuing the bench warrant. As a result, the MDJS will no longer advance you to the Warrant Entry screen when recording a disposition of HDCT (Held for Court) and the defendant is not present.

Request for Issuance of Bench Warrant (AOPC 421) is a new form that will generate when HDCT is recorded on final charges, and N is recorded in the "Defendant Present?" field. The form will print for the Clerk of Courts and shall be sent with the other case documentation to the Clerk. A line will also be added to the Docket Inquiry screen to indicate the Request for Bench Warrant. Additionally, the Notice of Preliminary Hearing Results form (AOPC A736) will continue to print to inform the defendant that the case was disposed in their absence. The following language has been added to the form. "If any of the charges against you have been held for court, a request for a bench warrant against you has been transmitted to the Court of Common Pleas."

REQUEST BENCH WARRANT

8/02/07

DEF 001

YES

Warrants to Cancel Batch List (FABW)

The nightly Warrants to Cancel batch list and report will continue to be available until early October. Since cases with dispositions of HDCT (Held for Court) and active MDJ bench warrants may still exist prior to September 4th, the cancel list will remain for about the next month to allow time for these cases to have a formal arraignment recorded in CPCMS or to have the Court of Common Pleas issue a bench warrant.