

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Judicial Emergency : :
*Declaration Extension*¹ : DELAWARE COUNTY NO. 5120-17

SECOND ORDER EXTENDING THE THIRTY- SECOND (32ND) JUDICIAL DISTRICT'S PAST DECLARED EMERGENCY

AND NOW, this 28th day of April, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency² and subsequently extended that emergent declaration³ pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,⁴ as well as Pa.R.J.A. No. 1952(B)(1)(2), and the Supreme Court of Pennsylvania by its order of April 28, 2020,⁵ having authorized the judicial districts' president judges as believed appropriate grounded on local conditions to extend past declared judicial emergencies within a court district until June 1, 2020,⁶ it is hereby **ORDERED** and **DECREED** that the 32nd judicial district (Delaware County) remains in a continuing state of judicial emergency because of the yet ongoing COVID-19 public health crisis.⁷

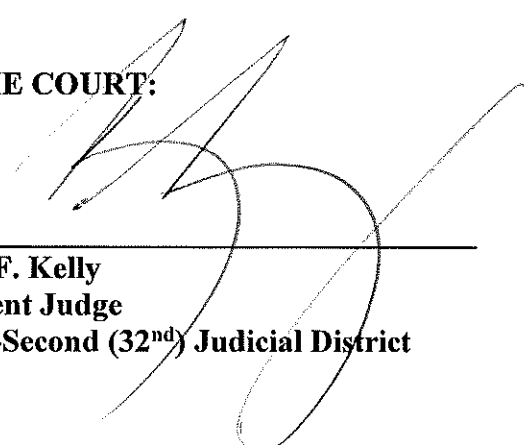
This second extension of the prior judicial emergency declaration⁸ **SHALL** become **EFFECTIVE IMMEDIATELY** on the same being filed electronically with the Supreme Court of Pennsylvania's Prothonotary Office through **JUNE 1, 2020**, with this court then yet having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s) unless amended, rescinded, modified and/or superseded by a subsequent order of the Pennsylvania Supreme Court.⁹

This court acting under its original emergency declaration, as well as its first extension of the same,¹⁰ and those attendant authorities per Pa.R.J.A. No. 1952(B)(2)(a-s) previously entered a series of emergent orders, the most recent of which by their plain terms still remain in effect through April 30, 2020,¹¹ unless as presently anticipated such are extended and/or amended allowing for some appropriately measured increase of court operations consistent with the instant order recognizing the COVID-19 driven judicial emergency continuing until at least June 1, 2020.

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).¹²

BY THE COURT:



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

¹ See Pa.R.J.A. No. 1952(B)(1)(2). *See also* Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; and Order Extending Emergency Declaration dated April 2, 2020.

² See Emergency Declaration dated March 17, 2020. *See also* Pa.R.J.A. No. 1952(B)(1)(2).

³ See Order Extending Emergency Declaration dated April 2, 2020.

⁴ See Orders dated March 16, 2020; March 18, 2020; April 1, 2020; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See also* Emergency Declaration dated March 17, 2020, and Order Extending Emergency Declaration dated April 2, 2020.

⁵ See Order dated April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

⁶ See Order dated April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See also* Order dated April 1, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See generally* Pa.R.J.A. No. 1952(A).

⁷ See Orders dated March 16, 2020; March 18, 2020; March 24, 2020; April 1, 2020; and April 28, 2020 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See also* Emergency Declaration dated March 17, 2020, and Order Extending Emergency Declaration dated April 2, 2020.

⁸ See Emergency Declaration dated March 17, 2020, and Order Extending Emergency Declaration dated April 2, 2020.

⁹ See Pa.R.J.A. No. 1952(B)(1).

¹⁰ See Emergency Declaration dated March 17, 2020, and Order Extending Emergency Declaration dated April 2, 2020.

¹¹ See Emergency Orders dated April 3, 2020; April 7, 2020; April 9, 2020; and April 13, 2020.

¹² See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Jury Trial and Jury Duty : :
*Cancellations Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND ORDER EXTENDING EMERGENCY CANCELATION OF JURY TRIALS
AND JURY DUTY**


AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with both the criminal and civil liaison judges **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, **ALL** criminal and civil jury trials are **CANCELED** and relatedly during this same time span (April 27, 2020 – June 1, 2020) jury duty is also **CANCELED**.³

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

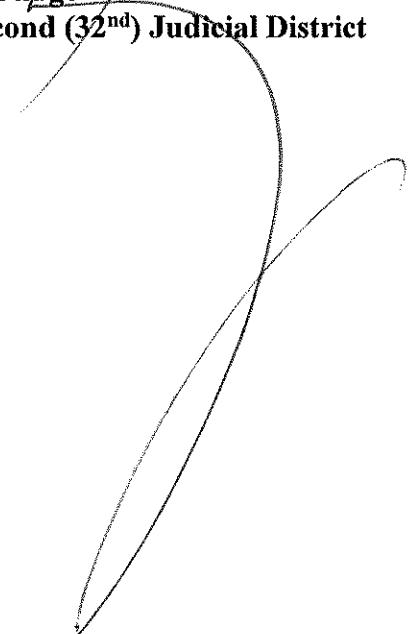
To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office,

the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁴

BY THE COURT:



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



¹ See Emergency Jury Trial Cancellations Order dated March 18, 2020, and Order Extending Jury Trial Cancellations dated April 2, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension during dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(d)(i)(j)(q).

⁴ See Order dated April 28, 2020, pp. 2-5, 9. See also Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
May 15, 2020, Sheriff Real Estate :
*Sale Postponed*¹ : DELAWARE COUNTY NO. 5120-17

**EMERGENCY ORDER POSTPONING THE MAY 15, 2020, SHERIFF'S REAL
ESTATE SALE**

AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with Jerry L. Sanders, Jr., the Delaware County Sheriff, as follows:³

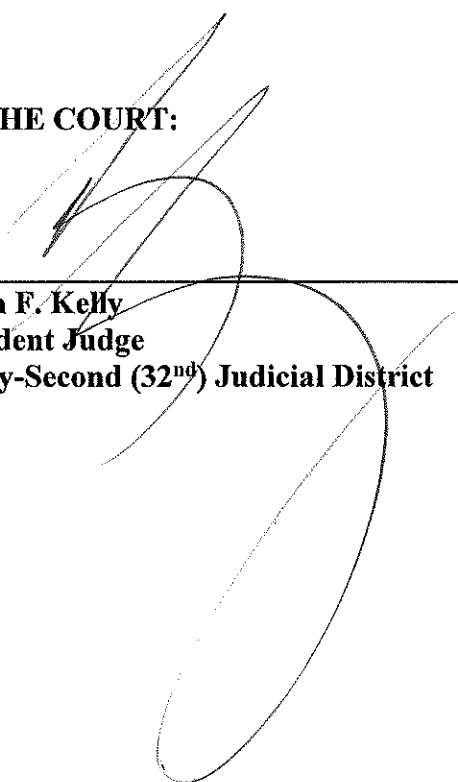
The real estate sale previously set for May 15, 2020, at 11:00 a.m., in the county council meeting room of the Delaware County Government Center, Media, Pennsylvania, including **ALL PROPERTIES** on this list (May 15, 2020) so transferred via this court's previous such emergency orders⁴ is **POSTPONED**⁵ and the sale of those properties on the May 15, 2020, list reset for the sheriff's sale scheduling of July 17, 2020, at 11:00 a.m., in the county council meeting room, Delaware County Government Center, Media, Pennsylvania.

New notice of the postponed and/or relisted sales of real property above ordered per Pa.R.C.P. 3129.3 **SHALL NOT** be required as provided by Pa.R.C.P. 3129.2.

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁶

BY THE COURT:



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

¹ See Emergency Sheriff Sale Postponement Orders dated March 18, 2020, and April 7, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(k)(q). See also Pa.R.C.P. 3129.2 and 3129.3.

⁴ See Emergency Sheriff Sale Postponement Orders dated March 18, 2020, and April 7, 2020.

⁵ See Orders dated March 18, 2020, pp. 8-9; April 1, 2020, p. 9; and April 28, 2020, p. 12.

⁶ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Staying of Residential Property :
Eviction and/or Possession Orders :
*Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND ORDER EXTENDING STAY OF RESIDENTIAL PROPERTY EJECTMENT,
EVICITION AND/OR POSSESSION; AND STAY OF LEVY AND ATTACHMENT OF
PERSONAL PROPERTY**

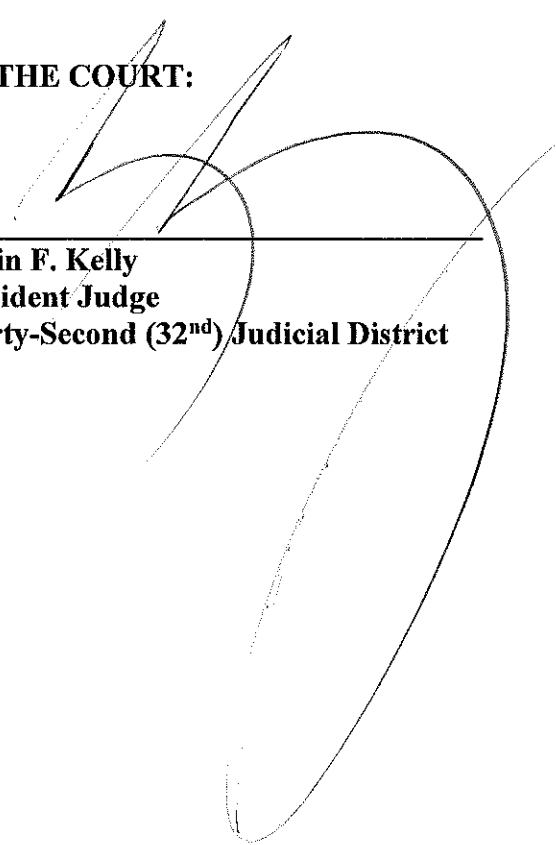
AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the civil liaison judge **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, **ALL** execution of orders for eviction, ejectment, and/or possession of *residential properties* and/or *leasehold premises* as well the levy and/or attachment of residential personal property in Delaware County are **STAYED**.³

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the

Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁴

BY THE COURT:



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

¹ See Emergency Order Staying Residential Property Ejectment ... dated March 18, 2020, and Order Extending Emergency Stay of Residential Property Ejectments ... dated April 3, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Orders March 18, 2020, pp. 8-9, April 1, 2020, p. 6; and April 28, 2020, p. 12 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(h)(k)(q).

⁴ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Cancellation of In-Person Formal :
*Criminal Arraignments Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND ORDER EXTENDING EMERGENCY CANCELLATION OF *IN-PERSON*
FORMAL CRIMINAL ARRAIGNMENTS**

AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the criminal liaison judge **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, **ALL** *in-person* formal, criminal arraignments before the Delaware County Court of Common Pleas **SHALL** be **CANCELED**.³

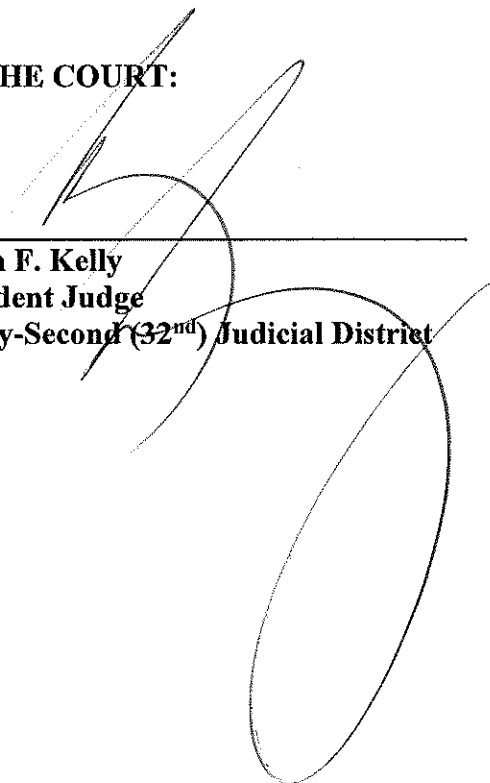
The Delaware County Criminal Court Administrator's Office **SHALL CONTINUE** to accept and process in accord with that office's such salient protocols and/or applicable local rules written waivers of arraignment proffered by counsel on behalf of his or her client(s).⁴

The Office of the Delaware County Criminal Court Administrator **SHALL** also **CONTINUE** to conduct weekly video conferencing formal arraignments of those defendants incarcerated consistent with that office's material protocols and/or any such applicable local rules.⁵

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁶

BY THE COURT:



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

¹ See Emergency Criminal Arraignment Cancellations Order dated March 18, 2020, and Order Extending Criminal Arraignment Cancellations dated April 3, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

⁴ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

⁵ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

⁶ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Postponement of Weekend-Partial :
Confinement Sentencing Terms :
*Extended*¹ : DELAWARE COUNTY NO. 5120-17

SECOND ORDER EXTENDING EMERGENCY POSTPONEMENT OF WEEKEND-PARTIAL CONFINEMENT TERMS AT THE GEORGE W. HILL CORRECTIONAL FACILITY

AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the criminal liaison judge as well as on the continued agreement of the Delaware County District Attorney's Office that **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, **ALL** sentencing terms of weekend imprisonment and/or partial confinement otherwise being served at the George W. Hill Correctional Facility **SHALL** be **POSTPONED** as follows:³

ANY defendant presently serving at the county jail (George W. Hill Correctional Facility) a sentence of weekend confinement and/or partial incarceration otherwise **SHALL** report as currently scheduled; however, on next appearing at the George W. Hill Correctional Facility **ALL** such defendants **SHALL NOT** be admitted, but rather given written notice consistent with his or her sentencing terms and/or conditions of a future date certain on which he

or she must once again report to the county jail (George W. Hill Correctional Facility) to resume serving the partial confinement sentencing condition. The date and time George W. Hill Correctional Facility officials provide defendants to resume reporting at the county jail (George W. Hill Correctional Facility) for purposes of continuing their weekend – partial confinement sentences **SHALL** be consistent by day of the week and time as such is detailed by the salient certificate of imposition of judgment of sentence and no less than sixty (60) and no more than ninety (90) days subsequent.⁴

Salient personnel of the George W. Hill Correctional Facility **SHALL** sufficiently memorialize the notice afforded **ALL** defendants about when he or she is to resume a weekend and/or partial confinement sentence otherwise, including but not limited to such notification being signed by the defendant, as well as an identifiable prison staff member, with a copy of the same provided to **ANY** defendant so in the event a given defendant does not once more appear as that notice directs, then a bench warrant may properly issue.

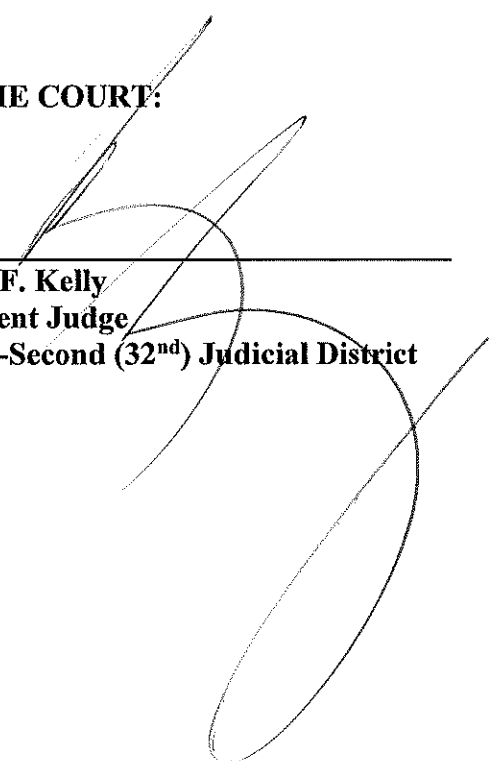
The postponement directed above of defendants reporting to the George W. Hill Correctional Facility for purposes of serving weekend – partial incarceration sentencing terms **SHALL NOT** reduce the number of such days any defendant must serve, but rather just temporarily delay when a defendant for such purposes is to report to the county jail (George W. Hill Correctional Facility).

Except to the extent ordered above, **ALL** other terms and/or conditions of a defendant serving a weekend sentence of confinement and/or partial incarceration otherwise **SHALL REMAIN** in full force and effect, including but not limited to reporting as required to the Delaware County Adult Probation and Parole Office.

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁵

BY THE COURT:



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

¹ See Emergency Order Postponing Partial Confinement dated March 18, 2020, and Order Extending Emergency Postponement of Partial Confinement dated April 7, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q). See also *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court No. 70 MM 2020 – Order dated April 3, 2020.

⁴ Generally, defendants may report for purposes of partial confinement sentences to the George W. Hill Correctional Facility on any day of the week, although there are daily reporting times which are to be followed, absent judicial direction to the contrary.

Recognizing that the vast majority of sentences flow from negotiated guilty pleas and wanting to the extent possible during this public health crisis to yet realize the sentencing judges' intentions and the interested parties agreements, county jail personnel in providing defendants written notice of when next to report to the facility **SHALL** use the same day of the week and time the controlling certificate of imposition of judgment of sentence directs.

⁵ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Early Parole Review and Possible :
*Release Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND EMERGENCY ORDER ALLOWING FOR THE EXTENSION OF EARLY
PAROLE REVIEW AND SUCH POSSIBLE RELEASE**

AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the criminal liaison judge as well as on the continued agreement of the Delaware County District Attorney's Office that **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, salient personnel of the Delaware County Adult Probation and Parole Office **SHALL** review those cases of defendants currently serving at the George W. Hill Correctional Facility *originally* imposed Delaware County Court of Common Pleas sentences of total confinement and make a recommendation to the court consistent with assuring adequate community protection, victim interests recognition, offender accountability, and an individual defendant's rehabilitative needs whether an early parole release under the following schedules would be appropriate.³

For those defendants serving a four (4) month or less minimum total confinement term, the early release date would be one (1) week prior to the otherwise applicable minimum.

As to those sentences of total confinement with minimum terms greater than four (4) months, but less than eight (8) months, the early release date would be two (2) weeks before the otherwise applicable minimum.

Regarding those sentences of total confinement where the minimum terms are greater than eight (8) months, but less than twelve (12) months, the early release date would be three (3) weeks prior to the otherwise applicable minimum.

Salient staff of the George W. Hill Correctional Facility **SHALL** as may be necessary **TIMELY** and **FULLY COOPERATE** with involved Delaware County Adult Probation and Parole Office personnel in providing any information relevant to that court agency's early parole release determinations and resultant recommendations.

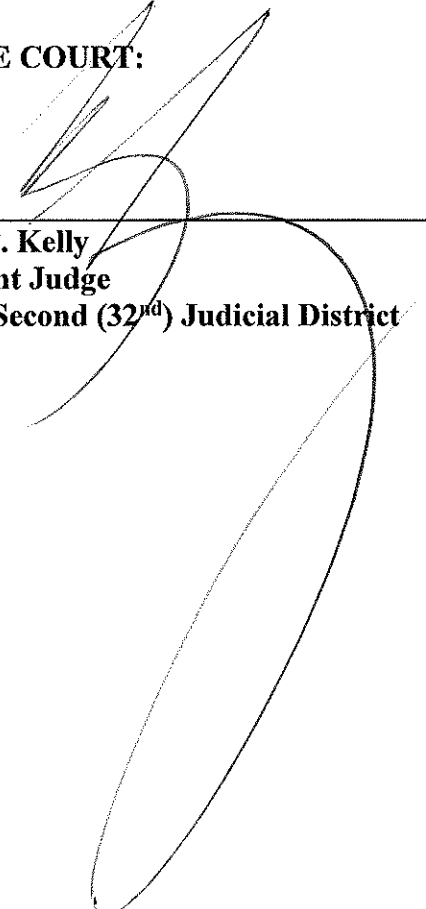
Should the Office of Delaware County Adult Probation and Parole find on its review that a given defendant appears appropriate for the above-described early parole release, then such a written recommendation is to be **PROMPTLY** provided to this court, along with a proposed early parole order in accord with the above-detailed schedule and substantially formatted as that attached.⁴

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware

County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁵

BY THE COURT:



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

¹ See Emergency Early Parole Review Order dated March 19, 2020, and Order Extending Emergency Early Parole Review dated April 7, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(h)(k)(q). See also *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court No. 70 MM 2020 – Order dated April 3, 2020.

⁴ See Proposed Early Parole Order. A copy of this suggested order is attached and wholly incorporated by such reference.

⁵ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA : **No.** _____
:
:
v. :
:
:
:
:
_____ :
:

ORDER ALLOWING EARLY PAROLE RELEASE

AND NOW, this _____ day of _____, 2020, a judicial emergency having been declared in the thirty-second (32nd) judicial district (Delaware County) and more recently that emergent declaration again extended pursuant to such an order of the Pennsylvania Supreme Court authorizing the same, as well as Pa.R.J.A. No. 1952(B)(1)(2), and the president judge having used those resultant authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s) to previously enter an emergency order establishing an early parole review process consistent with assuring community protection, victim interests recognition, offender accountability and an individual defendant’s rehabilitative needs through the Delaware County Adult Probation and Parole Office, and the president judge by a subsequent emergent order having extended that review process and such possible releases, it is hereby **ORDERED** and **DECREED** that on such a recommendation of the Office of Adult Probation and Parole the above-named Defendant **SHALL** be paroled _____ week(s) prior to his or her otherwise applicable minimum release date.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
: :
Re-Parole Review and Possible :
*Release Extended*¹ : DELAWARE COUNTY NO. 5120-17

**SECOND ORDER ALLOWING FOR THE EXTENSION OF *RE-PAROLE REVIEW*
AND SUCH POSSIBLE RELEASE**

AND NOW, this 28th day of April, 2020, this court having declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the criminal liaison judge as well as on the continuing agreement of the Delaware County District Attorney's Office that **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 1, 2020**, salient personnel of the Delaware County Adult Probation and Parole Office **SHALL** review those cases of defendants currently serving at the George W. Hill Correctional Facility Gagnon II sentences of back-time total confinement imposed by the Delaware County Court of Common Pleas and make a recommendation to the court consistent with assuring adequate community protection, victim interests recognition, offender accountability, and an individual defendant's rehabilitative needs whether a *re*-parole release under the following schedules would be appropriate.³

For those defendants serving a one hundred twenty (120) day or less total confinement back-time term, the *re*-parole date would be seven (7) days prior to the otherwise applicable release date.

As to those back-time sentences of total confinement greater than one hundred twenty (120) days, but less than two hundred forty (240) days, the *re*-parole date would be fourteen (14) days before the otherwise applicable release date.

Regarding those back-time sentences of total confinement greater than two hundred forty (240) days, the *re*-parole date would be twenty-one (21) days prior to the otherwise applicable release date.

Salient staff of the George W. Hill Correctional Facility **SHALL** as may be necessary **TIMELY** and **FULLY COOPERATE** with involved Delaware County Adult Probation and Parole Office personnel in providing any information relevant to that court agency's *re*-parole release determinations and resultant recommendations.

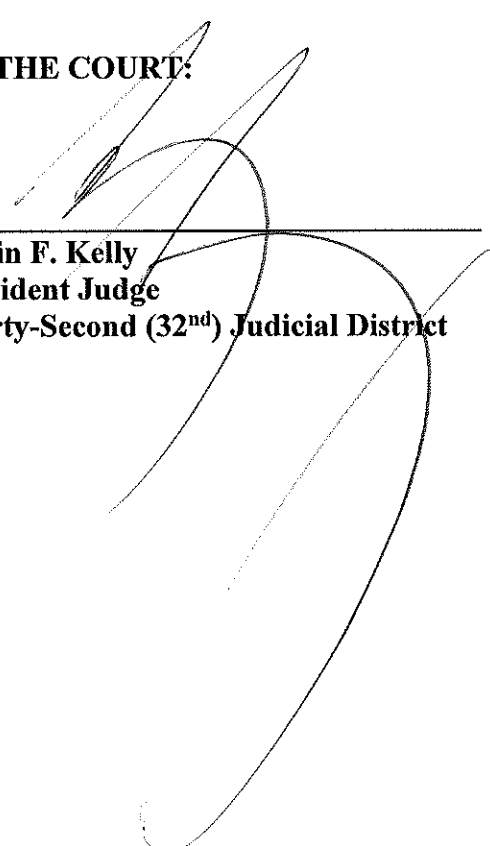
Should the Office of Delaware County Adult Probation and Parole find on its review that a given defendant appears appropriate for the above-described *re*-parole release, then such a written recommendation is to be **PROMPTLY** provided to this court, along with a proposed *re*-parole order in accord with the above-detailed schedule and substantially formatted as that attached.⁴

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but

not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁵

BY THE COURT:



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

¹ See Emergency *Re-Parole* Review Order dated March 26, 2020, and Order Extending Emergency *Re-Parole* Review dated April 7, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; and April 28, 2020, pp. 2-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; and Second Emergency Declaration Extension dated April 28, 2020.

³ See Pa.R.J.A. No. 1952(B)(2)(h)(k)(q). See also *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court No. 70 MM 2020 – Order dated April 3, 2020.

⁴ See Proposed Early *Re-Parole* Order. A copy of this suggested order is attached and wholly incorporated by such reference.

⁵ See Orders dated March 16, 2020, p. 2 and April 1, 2020, pp. 2-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA : No. _____
 : :
 : :
 : :
 : :
 : :
 : :
 : :

ORDER ALLOWING RE-PAROLE

AND NOW, this _____ day of _____, 2020, a judicial emergency having been declared in the thirty-second (32nd) judicial district (Delaware County) and more recently that emergent declaration again extended pursuant to such an order of the Pennsylvania Supreme Court authorizing the same, as well as Pa.R.J.A. No. 1952(B)(1)(2), and the president judge having used those resultant authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s) to previously enter an emergency order establishing a *re*-parole review process for defendants serving Gagnon II back-time sentences of total confinement consistent with assuring community protection, victim interests recognition, offender accountability, and an individual defendant’s rehabilitative needs through the Delaware County Adult Probation and Parole Office, and the president judge by a subsequent emergent order having extended that review process and such possible releases, it is hereby **ORDERED** and **DECREED** that on such a recommendation of the Office of Adult Probation and Parole the above-named Defendant **SHALL** be *re*-paroled _____ days prior to his or her otherwise applicable release and/or maximum date.

BY THE COURT:

J.