

**IN THE SUPREME COURT PENNSYLVANIA  
MIDDLE DISTRICT**

IN RE: 20<sup>th</sup> Judicial District – : No. 33-MM-2020  
Declaration of Judicial Emergency :

**FIFTH EXTENDED DECLARATION OF JUDICIAL EMERGENCY**

Pursuant to the Supreme Court's Orders dated March 16, 2020, April 1, 2020, April 28, 2020, and May 27, 2020 (Nos. 531 and 532 Judicial Administration Docket), the judicial emergency declared in the 20<sup>th</sup> Judicial District of Pennsylvania on March 16, 2020, is hereby extended to March 31, 2021. This Fifth Extended Declaration shall be self-effectuating, per the Supreme Court's Order of May 27, 2020.

The 20<sup>th</sup> Judicial District takes notice of the following facts in support of this Fifth Extended Declaration.

- I. The 20<sup>th</sup> Judicial District experienced extraordinary difficulties in summoning jurors and conducting jury trials during the October 2020 trial term. This entailed not only significant expenditure of funds and staff time, but also risk to all of the individuals involved, as COVID-19 exposures during such trial term placed the entirety of the Huntingdon County District Attorney's Office in quarantine (along with many courthouse staff members).
- II. A surge in the number of COVID-19 cases, both in the Commonwealth generally and in the 20<sup>th</sup> Judicial District specifically, began during the October 2020 trial term, and significantly increased in November, continuing through to the date of this Fifth Extended Declaration. As a result, all in-person proceedings before the Court of Common Pleas were suspended as of November 17, 2020, and the Court returned to operating exclusively via advanced communication technology ("ACT").

In light of the above, and for the reasons set forth in the prior Declarations, the 20<sup>th</sup> Judicial District takes the following actions:

1. **The operation of Rule of Criminal Procedure 600, relating to speedy trials, is suspended for all criminal matters in the 20<sup>th</sup> Judicial District until March 31, 2021, with an effective date of September 1, 2020.**
  - a. This a modification the suspension of Rule 600 set forth in the Fourth Extended Declaration of Emergency for the 20<sup>th</sup> Judicial District, filed on August 31, 2020. Per the Fourth Extended Declaration, the suspension of Rule 600 ended as of August 31, 2020, except for those cases in which the defendant was seeking a jury trial.
  - b. The 20<sup>th</sup> Judicial District finds such retroactive effect to be appropriate, given the innumerable COVID-19 related difficulties and delays experienced by both the courts and the Commonwealth for all criminal matters throughout the fall of 2020, even before the surge in COVID-19 infections began. This includes, without limitation, the inability to secure the appearance of incarcerated individuals via ACT for periods long enough to complete hearings and other proceedings, due to time limits on such appearances imposed by the Department of Corrections and other agencies.
2. All jury trials, both criminal and civil, are suspended until March 31, 2021. The Court will reevaluate the feasibility of conducting criminal jury trials in late March 2021, taking in to account facility limitations, public health guidance, and the facts of each defendant's case, and will seek to resume criminal jury trials as soon as reasonably practicable thereafter. However, no guarantees can be made given the current predictions for COVID-19 infection rates at such time. Civil jury trials will remain suspended until March 31, 2021, and, once jury trials resume, criminal matters will take priority.
3. As noted above, the Court of Common Pleas has resumed scheduling and conducting proceedings exclusively in remote formats, using ACT. This will continue through March 31, 2021. Appearance before the Court via ACT is

**mandatory** for all participants in such proceedings, subject to such exceptions as the Court may grant, from time to time.

4. The Magisterial District Courts will continue to conduct all proceedings remotely via ACT, subject to such exceptions as the President Judge may determine from time to time.
5. The current suspension of the transportation of criminal defendants between correctional facilities and court facilities will continue until March 31, 2021, subject to such exceptions as the Court may grant, from time to time.
6. To the extent that this Fifth Extended Declaration conflicts with any prior emergency declaration of the 20<sup>th</sup> Judicial District, or any Administrative Order issued thereunder, this declaration shall control. The Court will issue further Administrative Orders modifying operations under the judicial emergency from time to time, as necessary to respond to changing conditions and address best-practices guidance, and notice of such Administrative Orders will be provided in the same manner as for all other emergency Administrative Orders.



George N. Zanic, President Judge  
December 30, 2020