

**IN THE SUPREME COURT PENNSYLVANIA  
MIDDLE DISTRICT**

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

**PETITION FOR EXTENSION AND MODIFICATION OF  
DECLARATION OF JUDICIAL EMERGENCY**

Pursuant to the Supreme Court’s Orders dated March 16, 2020; April 1, 2020; April 28, 2020; May 27, 2020; and June 21, 2021 (Nos. 531, 532, and 553 Judicial Administration Docket), the 20<sup>th</sup> Judicial District hereby petitions for extension and modification of the judicial emergency declared in the 20<sup>th</sup> Judicial District on March 16, 2020, currently set to expire on June 30, 2021.

*Relief Requested*

The 20<sup>th</sup> Judicial District seeks an order from the Supreme Court granting the following relief:

1. The existing judicial emergency declared in the 20<sup>th</sup> Judicial District shall be extended beyond June 30, 2021, such that it ends on September 30, 2021.
2. The operation of Pa.R.Crim.P. 119 shall remain suspended in the 20<sup>th</sup> Judicial District for all cases in which the defendant is incarcerated, such that the courts may require such defendants to appear for all proceedings in their criminal cases by means of advanced communication technology (“ACT”), excluding jury trials.
3. The remaining provisions of the judicial emergency declaration shall expire as of July 6, 2021, with the specific exception of the suspension of the operation of Pa.R.Crim.P. 600, which shall continue until August 31, 2021.

*Background and Circumstances  
Necessitating Judicial Emergency Extension*

1. The 20<sup>th</sup> Judicial District has continued operations during the current judicial emergency nonstop, making extensive use of ACT as necessary and

appropriate. Proceedings in the Huntingdon County Court of Common Pleas have occurred both in-person and via ACT, depending on the then-existing public health orders, recommendations, and data regarding COVID-19 positivity rates affecting both the District and the surrounding area. All proceedings in the magisterial district courts have been conducted via ACT, due to facilities limitations that do not allow sufficient space for social distancing.

2. As the COVID-19 positivity rate has dropped and the vaccination rate has increased, the Huntingdon County Court of Common Pleas has generally resumed full in-person operations, except for certain criminal matters.
3. The specific criminal matters excluded from in-person operations are those in which the defendants are incarcerated at the time the proceeding is to occur.
4. For defendants in the above-referenced cases, the operation of Pa.R.Crim.P. 119 has been suspended, such that they are required to participate in all proceedings via ACT, except for jury trials. Such suspension has been necessitated by the COVID-19 quarantine policies of the various facilities housing the affected defendants, which require COVID-19 testing and quarantine every time a defendant leaves the facility for any reason. The facilities housing such defendants include state correctional institutions, the Huntingdon County jail, and county jails that house defendants on Huntingdon County's behalf pursuant to agreements between Huntingdon County and such other counties (including, without limitation, Centre, Clinton, Mifflin, and Blair).
5. Additionally, for all defendants who are currently incarcerated in state correctional institutions, the Pennsylvania Department of Corrections has significantly restricted its transfer of inmates between facilities, and transportation of inmates generally, which has rendered these defendants unavailable for all in-person proceedings (including jury trials).
  - a. The Court notes that the 20<sup>th</sup> Judicial District contains two state correctional institutions, SCI-Huntingdon and SCI-Smithfield. A

significant number of cases on the District's criminal docket involve defendants accused of committing crimes while incarcerated in one of the SCIs.

- b. State inmates accused of committing crimes while incarcerated are often transferred to other SCIs while awaiting trial on the new charges. This means that inmate defendants facing charges in Huntingdon County may need to be transported halfway across the Commonwealth in order to appear before the Court in person.
  - c. In addition to the above, SCI-Smithfield is now the dedicated reception site for *all* male inmates entering the state correctional system (whether as a new commitment or a recommitment after an alleged parole violation), and serves as the COVID-19 testing and quarantine site for all such inmates.
6. Despite the decreasing COVID-19 positivity rate and increasing vaccination rate, incarcerated individuals and corrections employees remain vulnerable populations for infections, particularly as more contagious strains of the COVID-19 virus evolve and spread. This means that the Department of Corrections and county correctional facilities will continue to have quarantine, transfer, and transportation restrictions in place well into the future (at least until the end of 2021, if not longer). The fact that SCI-Smithfield serves as the dedicated reception site for all male inmates entering the state correctional system makes the staff and population there even more vulnerable.
7. The suspension of Pa.R.Crim.P. 119 has allowed the 20<sup>th</sup> Judicial District to keep cases involving incarcerated defendants moving forward appropriately by enabling the courts to require such defendants to appear via ACT. Without this suspension, incarcerated defendants seeking to appear in-person for every proceeding in which they have that right would clog the criminal docket. Their cases would either be delayed due to the need for COVID testing and quarantine each time they are transported to court, or because no transportation is permitted under the rules of the



facility in which they are housed. These delays would have a trickledown effect on all cases on the criminal docket.

8. The delays and limited availability of incarcerated defendants over the past year has also necessitated the suspension of Pa.R.Crim.P. 600 in the 20<sup>th</sup> Judicial District, in order to allow the courts and the Commonwealth the opportunity to schedule jury trials based on the availability of both defendants and jurors (the Huntingdon County Court of Common Pleas experienced significant difficulties in obtaining sufficient jurors for the September/October 2020 trial term, and again during the May 2021 trial term).
9. The Huntingdon County Court of Common Pleas has already resumed full in-person operations for criminal matters in which defendants are not incarcerated. The magisterial district courts of the 20<sup>th</sup> Judicial District stand ready to do the same as of July 6, 2021, pursuant to the Supreme Court's June 21, 2021, Order.
10. However, resumption of in-person proceedings for incarcerated defendants would result in significant delays due to the COVID-19 restrictions discussed above. It would also place both the inmate and staff populations of the various correctional facilities housing the defendants at risk, as the commingling of defendants from different facilities while at the courthouse would provide a prime opportunity for the transmission of infection from one facility to another.
11. The 20<sup>th</sup> Judicial District is aware of the concerns that arise when significant proceedings are conducted via ACT instead of in-person, and has taken steps to address them (for example, by using the meeting room feature of the Zoom meeting app to allow defendants a private area in which to confer with their defense counsel, so as to aid in the provision of effective representation).
12. The continued suspension of Pa.R.Crim.P. 119 for incarcerated defendants, within the limitations requested (i.e., excluding jury trials), will not prejudice such defendants in light of the steps the 20<sup>th</sup> Judicial District has

already taken to address concerns arising from the use of ACT for conducting criminal proceedings. It will also serve not only the public interest but such defendants' interests, as it will allow their cases to move forward with appropriate speed (negating the need for any extension of Pa.R.Crim.P. 600 beyond August 31, 2021) and reduce the risk that they will suffer a COVID-19 infection.

*Other Matters*

Notice of this petition and, if granted, its resulting relief, will be provided in the same manner as for all other filings under the judicial emergency, including, without limitation, by posting a .pdf copy on the 20<sup>th</sup> Judicial District's website and transmitting it by e-mail to all attorneys currently representing parties in matters before courts in the district.

Interested parties are hereby advised that objections to any emergency judicial order issued by the Supreme Court should be transmitted to the Supreme Court Prothonotary.



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George N. Zanic, President Judge  
June 25, 2021