

**IN THE SUPREME COURT OF PENNSYLVANIA**

IN RE: SECOND JUDICIAL DISTRICT :  
APPLICATION TO AUTHORIZE : Supreme Court Docket No. 44 MM 2020  
EXPANDED USE OF ADVANCED :  
COMMUNICATION TECHNOLOGY :

**AMENDED APPLICATION PURSUANT TO PA.R.J.A. NO. 1952**

TO THE HONORABLE CHIEF JUSTICE MAX BAER AND JUSTICES OF THE PENNSYLVANIA SUPREME COURT:

1. In accord with the Order of the Supreme Court of Pennsylvania dated May 7, 2020, in which president judges were authorized to declare local judicial emergencies, the Lancaster County Court of Common Pleas has a local judicial emergency order in effect through August 31, 2021.

2. Pursuant to the Order of the Supreme Court of Pennsylvania dated June 21, 2021, to take effect as of July 6, 2021, operations of the Unified Judicial System shall return to pre-pandemic status and existing orders suspending statewide rules other than those related to speedy trial will no longer be operative.

3. David L. Ashworth, President Judge of the Second Judicial District (Lancaster County), respectfully requests pursuant to Pennsylvania Rule of Judicial Administration No. 1952(b)(2)(M), the continued temporary suspension of Pennsylvania Rule of Criminal Procedure No. 119, which bars the use of two-way simultaneous audio-visual communication in certain criminal proceedings, absent the consent of the defendant, as well as the continued suspension of any and all other statewide rules which limit the use of advanced communication

technology in criminal court proceedings in the Second Judicial District through August 31, 2021, and avers in support thereof as follows:

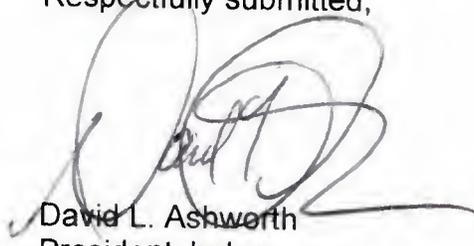
- a. The courtrooms, chambers and judicial facilities have been and continue to be staffed and operational throughout the Second Judicial District;
- b. Common Pleas Judges and Magisterial District Judges are working from their chambers, courtrooms, and offices and have been conducting many hearings and proceedings via the use of advanced communication technology throughout the COVID-19 pandemic;
- c. The use of advanced communication technology in the Lancaster County Courts has allowed thousands of matters to be heard and ruled upon and has proven to be a great convenience for the attorneys, litigants, witnesses, victims, and other parties to cases;
- d. Based on the current local judicial emergency of the Second Judicial District, which was extended and filed on May 26, 2021, hundreds of cases have been scheduled and noticed to be held via remote proceedings throughout the summer;
- e. In the interest of justice and fairness to those litigants, it is imperative that our docket be allowed to move forward as currently scheduled, noticed, and planned, so that many cases will not have to be continued to reschedule as all in-person proceedings. The time which will be required of staff to reschedule and renotify will lead to the delay of many of these proceedings;

- f. Our court chose August 31, 2021, as an end date for our local emergency order by design, giving all parties and county facility managers the opportunity to be fully prepared to return to all in-person proceedings at the beginning of September;
- g. Access to justice and to the justice system has been afforded continuously and efficiently throughout the pandemic, in large part due to the use of advanced communication technology, and any disruption of that process may have a negative effect on those we serve;
- h. Further, the Warden at the Lancaster County Prison has requested the continued use of advanced communication technology to control the transmission of COVID-19 among the inmate population at the Prison who live in congregate settings and have a heightened risk of complications from the virus;
- i. The Sheriff of Lancaster County is experiencing a severe staffing shortage which is impeding the inmate transport between the Lancaster County Prison and the Lancaster County Courthouse; and
- j. Many of the Magisterial District Courts lack prisoner holding cells or appropriate waiting areas to protect the inmate population from the transmission of COVID-19.

Therefore, based on the above, I respectfully request that this Honorable Court grant the application to continue to suspend Pa.R.Crim.P. No. 119(A)(1),(2),(3),(5),(6) and (7), and

any statewide rules that limit the use of advanced communication technology and remote proceedings in criminal matters and provide the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Ashworth", written over a light blue circular stamp.

David L. Ashworth  
President Judge  
June 25, 2021