

IN THE SUPREME COURT OF PENNSYLVANIA

IN RE: 42nd Judicial District :
(Bradford County) Request for : 50 MM 2020
Declaration of Judicial Emergency :

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Petition for Emergency Judicial Order Pursuant to Pa.R.J.A. No 1952(B)(2)

TO THE JUSTICES OF THE PENNSYLVANIA SUPREME COURT:

1. Maureen T. Beirne, President Judge of the 42nd Judicial District, hereby requests the following relief by Order of the Supreme Court:

a. Authorize the President Judge to declare a judicial emergency in this judicial district to take the actions listed hereafter as authorized by Pa.R.J.A. 1925(B)(2) through December 31, 2021.

b. To suspend any state or local rule that restricts, directly or indirectly, the use of Advanced Communication Technology (ACT) in court proceedings subject to constitutional limitations provided Judges are present in the courthouse or court facility while such a proceeding is being conducted except in extraordinary circumstances until December 31, 2021.

c. Suspend application of Pennsylvania Rule of Criminal Procedure Rule 600 through December 31, 2021 to the extent consistent with constitutional limitations.

2. The circumstances necessitating this request for judicial emergency order are as follows:

a. On March 17, 2020, a judicial emergency was declared for the 42nd Judicial District in response to the COVID-19 Pandemic as authorized by Pennsylvania Supreme Court's Order of March 16, 2020.

b. The judicial emergency was extended through further Orders and Administrative Orders which directed various measures to protect individuals from the COVID-19 virus as recommended by the CDC. Due to the decrease in COVID-19 positive cases and the increase in vaccinations in the county, this judicial emergency was terminated on June 30, 2021.

c. Throughout the judicial emergency, the Bradford County Court of Common Pleas (BCCCP) was fully staffed and judges present except for any usual time off and a few staff and a judge requiring quarantine periods due to contacts with individuals testing positive for the COVID-19 virus. BCCCP was able to conduct court proceedings and proceed with cases utilizing ACT and eventually with precautions, in person. Jury trials resumed in July, 2020 (BCCCP was prepared for jury trial in May, 2020).

d. At the beginning of September, 2021, due to the increase in COVID-19 virus positive cases and the CDC declaring the transmission rate for Bradford County is "high" in the COVID Tractor Data, BCCCP instituted a policy for all individuals regardless of vaccination status to wear a face covering in the

courtrooms, areas around the courtrooms and court offices (except employees sitting at their desks).

e. Bradford County has an increase in COVID-19 positive cases since August 1, 2021, when the 7-day average of new cases was 1; to September 1, when the 7-day average of new cases was 11; to September 29, 2021, when the 7-day average of new cases was 28 (the highest thus far being 44 new cases on September 27, 2021). This information is provided by Director of Planning and Public Safety, Bradford County Public Safety Center.

f. The Bradford County Correctional Facility (BCCF), which is experiencing overcrowding conditions, has experienced a significant outbreak in COVID-19 positive cases. Pursuant to information provided the BCCF Warden, there were 26 inmates testing positive for COVID-19 virus at the beginning of September, 2021. This number increased to 92 inmates and 11 staff throughout the month of September. Currently there are approximately 40 inmates in quarantine as a result of testing positive for the virus and approximately 40 in isolation due to exposure to another inmate who has tested positive for the virus. The BCCF has an average of approximately 196 inmates per day (the maximum capacity of this jail is 206).

g. Pursuant to information provided by the Bradford County Sheriff's Office, some of the their deputies tested positive for the COVID-19 virus after transporting inmates in the beginning of September, 2021.

h. The BCCF, upon medical advice, due to the number of COVID-19 positive individuals, is in “lock down” thus not permitting inmates leave and then return to the facility for any reason, ie work release or court proceedings.

i. Under the above circumstances, transporting defendants from BCCF for in-person proceedings at district magistrates and the Court of Common Pleas and conducting criminal jury trial presents a potential threat of the COVID-19 virus to prison inmates, prison staff, court staff, Sheriff Office staff, jurors, attorneys and witnesses in a jury trial.

j. BCCCP conducts criminal trials one week per month. The only criminal trial scheduled for October 4, 2021 had to be continued because the defendant is an inmate who is in quarantine due to having the COVID-19 virus.

k. Other criminal matters, pleas, sentencing, preliminary hearings, arraignments, pre-trial motions, etc., with inmates have been conducted via ACT since the BCCF “lock down” with all parties agreeing to do so. In-person proceedings cannot occur with individuals who have tested positive or are in quarantine as a result of contact with an individual testing positive for the COVID-19 virus. Because all parties have agreed to ACT where necessary, the undersigned did not previously request relief. Now, however, where it appears the number of individuals, including the BCCF inmates, positive COVID-19 virus tests will not decrease in the near future, the undersigned believes relief is necessary.

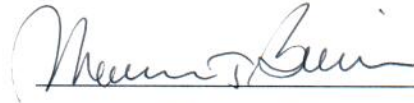
m. The BCCCP wishes to have the availability of ACT while the COVID-19 is causing the BCCF to be in “lock down,” and where an individual may need to appear by ACT because they are ill or required to be quarantining as a result of the COVID-19. Unless the number of positive tests increase further in Bradford County, the BCCCP plans to hold most other types of proceedings in-person.

3. To the extent possible under the circumstances, notice of this request for judicial emergency will be:

- a. posted on the 42nd Judicial District website;
- b. posted in the BCCCP law library at the Courthouse;
- c. submitted to the Administrative Office of Pennsylvania Courts for publication pursuant to Rule of Judicial Administration No. 1952(C)(5).

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

Date: October 4, 2021



Maureen T. Beirne, P.J.