

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

IN THE MUNICIPAL COURT OF PHILADELPHIA

General Court Regulation No. 2005-01

**In Re: Adoption of Municipal Court Rule of Criminal Procedure 102 –
Procedure in Non-traffic Summary Cases**

ORDER

AND NOW, this 6th day of December, 2005, the Board of Judges of Municipal Court having voted at the Board of Judges' meeting held on November 18, 2005 to adopt Municipal Court Rule of Criminal Procedure 102, IT IS HEREBY ORDERED that Municipal Court Rule of Criminal Procedure 102 is adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 105 and, as required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Municipal Court of Philadelphia, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Clerk of Quarter Sessions, and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

BY THE COURT:

/s/ Louis J. Presenza

HON. LOUIS J. PRESENZA
PRESIDENT JUDGE
PHILADELPHIA MUNICIPAL COURT

Rule of Criminal Procedure for the Philadelphia Municipal Court

Rule 102 Procedure in Non-traffic Summary Cases

When a defendant commits a non-traffic summary offense the matter shall proceed according to Pennsylvania Rule of Criminal Procedure 1002 except that:

- (A) In lieu of taking the defendant into custody the law enforcement officer may prepare, verify and transmit a citation electronically. The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Pennsylvania Rule of Criminal Procedure 403 and a notice to appear.**
- (B) When a defendant commits a non-traffic summary offense in any district that is within the jurisdiction of Community Court the procedure shall be as follows:**
 - (1) during the regular operating hours of Community Court, Monday through Friday, the defendant shall be taken to the police district or an appropriate PARS processing location where the defendant will be issued a citation. The police shall then, without unnecessary delay, transport the defendant to Community Court for proceedings before a Municipal Court judge.**
 - (2) during the hours when Community Court is closed, the defendant shall be processed as provided in subsection (B)(1) except that the defendant will be given a notice to appear in Community Court for proceedings before a Municipal Court judge on the next business day.**
 - (3) if offered by the District Attorney, the defendant may enter a conditional guilty plea or a *nolo contendere* plea and the sentence imposed shall be consistent with the terms and conditions offered by the District Attorney and**

accepted by the defendant as a negotiated plea. The judge will then impose community service and/or rehabilitation conditions to be completed by the time of the defendant's next scheduled appearance. The defendant shall be given notice to return to Community Court for the status of the completion of the conditions. If at the status listing the defendant has successfully completed the conditions imposed, prosecution shall be withdrawn. If the conditions have not been completed, it is within the judge's discretion to allow the defendant additional time to comply. If the judge allows additional time and the defendant again fails to successfully complete the conditions, the judge shall enter a guilty verdict and impose sentence.

- (4) the defendant may enter a not guilty plea and receive a trial date in Community Court.**

Adopted by the Board of Judges on 18 November 2005; effective 1 February 2006.