

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

PHILADELPHIA TRAFFIC COURT

ADMINISTRATIVE ORDER
02 of 2005

In re: Adoption Of Philadelphia Traffic Court Local Rules Nos. 106, 120, 121, 454, 1030, 1031, 1032, 1033 and 1035

Order

AND NOW, this 21st day of December, 2005, pursuant to Pa.R.Crim.P. 105 and Pa.R.Crim.P. 1030 et seq., Philadelphia Traffic Court Local Rule Nos. 106, 120, 121, 454, 1030, 1031, 1032, 1033 and 1035, which follow this order, are adopted, and shall become effective on February 1, 2006.

The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, the Criminal Procedures Rules Committee, and the Minor Court 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.

BY THE COURT:

/s/ Bernice DeAngelis

HONORABLE BERNICE DeANGELIS
Administrative Judge
PHILADELPHIA TRAFFIC COURT

(12/21/05)

Philadelphia Traffic Court Local Rules

LOCAL RULE 1030. SCOPE OF SUMMARY TRAFFIC COURT RULES.

The local rules that follow complement Chapter 10, Part B. of the Pennsylvania Rules of Criminal Procedures, Philadelphia Traffic Court Rules, Pa.R.Crim. P. 1030 et seq., and the rules referenced thereto, and are intended to identify for counsel and unrepresented parties the procedural rules applicable to Traffic Court proceedings in Philadelphia County. These rules are referenced herein as “Local Rules” and shall be cited as “Phila.T.C.L.R. ___”.

LOCAL RULE 106. CONTINUANCE POLICY

(a) General Rule. All continuance requests shall:

- (1) be in writing, on a court-approved form, (see form which follows this Local Rule) reference the citation number and the defendant's driver license number;
- (2) identify the date, time, and, if applicable, the courtroom it is listed for; and
- (3) specifically state the reasons for the request.

Documentation substantiating the request for the continuance (i.e. proof of necessary hospitalization, pre-paid vacation, military service, etc.) must be submitted.

(b) Timing of request. All requests for continuance must be received by the Philadelphia Traffic Court at least 48 hours before the date set for the trial or hearing. A later request shall only be granted if the defendant or defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it.

(c) Address Where Continuance Requests are to Be Mailed or Delivered. All requests for continuances are to be mailed or delivered to the Philadelphia Traffic Court, 800 Spring Garden, Philadelphia, PA 19123. All requests for continuances shall be assigned to the Administrative Judge or his/her designee who shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

(d) Requests For Continuance on the Trial Date. All requests for continuances on the day of the summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge. All such requests shall be denied unless the defendant or the defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it. The presiding judge shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

COMMENT: Continuance requests must be made timely to enable the Court to review and properly rule on them. The Court may entertain written requests from unrepresented parties if not made on the court-approved form as long as the required information is provided. Documentations ought to be provided as necessary. Continuance requests may be disposed administratively.

(12/21/05)

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

Commonwealth of Pennsylvania : **Citation No(s).**
vs. :

Defendant :

REQUEST FOR CONTINUANCE

Defendant's Name			OLN
Address	City	State	Zip
Name of Defendant's Attorney (If any)			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial/Hearing	Time	Courtroom (If Available)	<input type="checkbox"/> Check Box if a Scheduling Order was issued for the trial/hearing being continued.
Reason for Request for Continuance (Attach all necessary documentation)			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: _____

Signature of Defendant/ Defendant's Attorney

ORDER

Continuance Granted. Reason:

Continued Date	Time	Courtroom	Location 800 Spring Garden Street Philadelphia, PA
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Continuance Denied. Reason:

BY THE COURT:

Date: _____

TRAFFIC COURT JUDGE

LOCAL RULE 120. ATTORNEYS – APPEARANCES AND WITHDRAWALS

(a) Entry of Appearance.

(1) Counsel for defendant shall file with the *Attorney Filing Unit* an entry of appearance, (see form which follows this Local Rule), identifying the citations for which counsel has been retained. The entry of appearance shall include the attorney's office address and electronic mail address, phone number, and the Supreme Court attorney identification number. An entry of appearance seeking to limit representation to a specific hearing shall not be accepted.

(2) When counsel is appointed pursuant to Pa.R.Crim. P. 1035, Appointment of Counsel, the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be provided any defendant information unless an Entry of Appearance is filed with the *Attorney Filing Unit*.

(4) An attorney who has been retained by a defendant and entered an appearance as provided in this rule shall continue such representation in the Traffic Court until granted leave to withdraw by the court pursuant to paragraph (b). An attorney who has been appointed by the court pursuant to Pa.R.Crim. P. 1035 shall continue representation as provided in Local Rule 1035.

(b) Withdrawal of Appearance. Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing (see form which follows this Local Rule), or may be made orally in open court in the presence of the defendant. The Court may grant the request to withdraw when new counsel enters an appearance, when new counsel is appointed to represent the defendant, or when the defendant intelligently waives the right to counsel.

COMMENT: The entry of appearance process has been problematic in Traffic Court proceedings. This Local Rule is designed to advise all parties that counsel must enter an appearance as a precondition to representation of Traffic Court defendants. Traffic Court will not provide defendant information to counsel until an entry of appearance is filed. Counsel is not permitted to enter an appearance for a limited purpose –i.e. representation for a warrant hearing, or impoundment hearing and the like. Rather, counsel must enter an appearance in connection with all proceedings in the Traffic Court and must officially withdraw from the case to be relieved of further legal obligations at the Traffic Court level.

ENTRY OF APPEARANCE FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

ENTRY OF APPEARANCE

Commonwealth Of Pennsylvania

vs.

Citation Number(s): _____

Defendant's Name

Driver's License Number: _____

TO THE CLERK OF COURT:

Enter my appearance for Defendant in connection with the above citations.

Office Address of Attorney: _____

Electronic Mail Address of Attorney: _____

Phone Number: _____ *Attorney I.D. No.:* _____

Name of Attorney for Defendant (Please Print)

Date

Signature of Attorney for Defendant

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

Commonwealth of Pennsylvania : **Citation No(s).**
vs. :

Defendant :

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL

Defendant's Name		OLN	
Address	City	State	Zip
Name of Defendant's Attorney			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial	Time	Courtroom (If Available)	
Reason for Request to Withdraw (Attach all necessary documentation)			
Defendant's Position			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: _____

Signature Defendant's Attorney

ORDER

Counsel's request to withdraw as counsel for the Defendant is:

Granted. Reason:

Denied. Reason:

BY THE COURT:

Date: _____

TRAFFIC COURT JUDGE

(12/21/05)

LOCAL RULE 121. WAIVER OF COUNSEL.

The Waiver of Counsel Form executed by a defendant pursuant to Pa.R.Crim.P. 121 shall be as follows:

WAIVER OF COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE PHILADELPHIA TRAFFIC COURT**

WAIVER OF COUNSEL

Commonwealth Of Pennsylvania

vs.

Citation Number(s):

Defendant's Name

Driver's License Number: _____

I hereby state and affirm that I have been advised of the right to be represented by counsel and to have an attorney appointed if I cannot afford one, and I choose to act as my own attorney in connection with the summary trial or hearing for the citations listed above.

I further state and affirm that my waiver is made knowingly, voluntarily, and intelligently.

Defendant

Date

(12/21/05)

LOCAL RULE 454. TRIAL IN SUMMARY CASES. ROLE OF THE AFFIANT.
SENTENCING ORDERS.

(a) Summary Trial. The Traffic Court judge shall conduct the summary trial as provided by Pa.R.Crim.P. 454. At the conclusion of the summary trial, the judge shall sign the docket of the Traffic Court, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic Court.

(b) Evidence. Representative or Designee of the Issuing Law Enforcement Officer or Agency.

(1) The law enforcement officer who issued or filed the citation (the “affiant”) need not appear for the summary trial. The allegations in the citation may be recited on behalf of the issuing law enforcement officer, and that individual is authorized to ask questions of any witness who testifies.

(2) In addition to any law enforcement officer, any authorized user of the Pennsylvania Justice Network (“JNET”), may produce and offer to the Court a defendant’s certified driving record, as necessary.

(3) At any time before the completion of the summary trial or acceptance of a guilty plea, the representative or designee of the issuing law enforcement officer or agency may request in open court the Traffic Court judge for permission to withdraw one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic Court judge authorizes the withdrawal of one or more of the charges, the Traffic Court judge shall record such withdrawal(s) on the docket of the Traffic Court.

(4) The representative or designee of the issuing law enforcement officer or agency may engage in plea bargaining with the defendant; however, all plea bargains are subject to the approval of the assigned Traffic Court judge in open court.

(c) Sentencing Orders. Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic Court judges shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of a sentence.

SENTENCING ORDER FORMS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

Commonwealth of Pennsylvania vs.		Judge
_____		Courtroom
Defendant		Citation Number(s)
A/K/A _____		
PP#	DOB	OLN#

**ORDER IMPOSING SENTENCE
(Default of Payment Plan – Pa.R.Crim.P. No. 456)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously ordered to pay certain fines and costs in connection with the above-referenced Traffic Citations, as disclosed on the attached print-out.

AND NOW, after a hearing, the Court finds that Defendant has, and had, the financial ability to pay as previously ordered by the Traffic Court, but failed to pay as ordered. NOW, THEREFORE, the Court finds that Defendant owes the sum of \$ _____ on the following citations:

and is sentenced to serve a minimum of _____ days and a maximum of _____ days at the following facility:

Credit in the sum of \$40 per day served shall be given.
The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* on the issue of Defendant's Contempt, financial ability to pay, and the propriety of the sentence imposed in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.**

Private Counsel: _____, Esquire
Court-appointed Counsel provided: _____, Esquire, and counsel's appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

**I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:**

BY THE COURT:

Defendant Date

TRAFFIC COURT JUDGE

Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania VS.		Judge
Defendant		Courtroom
A/K/A _____		Citation Number(s)
PP#	DOB	OLN#

**ORDER IMPOSING SENTENCE
(Mandatory Sentence – 1543(b)(1))**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of violating 75 Pa.C.S. § 1543(b) (1);

NOW, THEREFORE, Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.
The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Traffic Court will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant's arrest.**

Private Counsel: _____, Esquire
 Court-appointed Counsel provided: _____, Esquire, and counsel's appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

**I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:**

BY THE COURT:

Defendant Date

TRAFFIC COURT JUDGE

Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania vs.		Judge
Defendant		Courtroom
A/K/A		Citation Numbers
PP#	DOB	OLN#

ORDER IMPOSING SENTENCE
(Subsequent Convictions – 75 Pa.C.S. § 6503)

AND NOW, this ____ day of _____, 20____, the Court finds that the above named Defendant has been previously convicted of violating 75 Pa.C.S. §§ 1501(a); 1543(a); 3367; 3733; 3734; or 3748 as disclosed on the attached print-out. Defendant has today plead guilty or been convicted of violating 75 Pa.C.S. § _____;

NOW, THEREFORE, pursuant to 75 Pa.C.S. § 6503, in addition to the fines and costs imposed as a result of the conviction of the above violation, Defendant is sentenced to pay fines and costs in the sum of \$_____, and is sentenced to serve a minimum of ____ days and a maximum of ____ days at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.
The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20 ____, at ____ AM/PM., in Courtroom _____, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 Court-appointed Counsel provided: _____, Esquire, and counsel’s appointment shall continue for appellate purposes if Defendant is sentenced to a period of incarceration.

I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

TRAFFIC COURT JUDGE

Attorney Date

LOCAL RULE 1031. INSTITUTION OF PROCEEDINGS IN SUMMARY TRAFFIC CASES.

(a) Issued Citations. Scheduling of Summary Trial. Notice To Appear. Service. As authorized by Pa.R.Crim. P. 1031(B), the citation issued to a defendant pursuant to Pa.R.Crim.P. 405 shall contain the date, time and location of the summary trial. As authorized by Pa.R.Crim.P. 451(A), service shall be made by the issuing law enforcement officer who shall hand a copy of the citation containing the Notice to appear to the defendant.

(b) Filed Citations. Scheduling of Summary Trial. Notice To Appear. Service. A citation filed pursuant to Pa.R.Crim.P. 410 et seq. shall contain the date, time and location of the summary trial. Service shall be made as set forth in Pa.R.Crim.P. 451 (B). If the defendant fails to appear for a summary trial scheduled by first class mail, the hearing will be re-scheduled and the defendant shall be served by certified mail or personal service.

(c) Form of the Citation. The citation issued to the Defendant shall be substantially as the form which follows this Local Rule, and as may be otherwise modified from time to time.

(d) Citations Which Do Not Contain A Hearing Date. If a law enforcement officer does not enter the date, time and location on a citation issued pursuant to subsection (a), the court shall schedule the summary trial and send a notice of trial by first class mail to the defendant's last known address.

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Court. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Court, whichever is later.

CITATION FORM

COMMONWEALTH OF PENNSYLVANIA

PHILADELPHIA TRAFFIC COURT
800 SPRING GARDEN STREET
P.O. BOX 56301
PHILADELPHIA, PA 19130-6301



TRAFFIC CITATION



SOCIAL SECURITY NUMBER					
1. DRIVER NUMBER		2. C.D.L. <input type="checkbox"/>	3. STATE <input type="checkbox"/> PA	4. D.O.B.	
6. DEFENDANT NAME - FIRST			MIDDLE	LAST	
7. DEFENDANT STREET ADDRESS					
8. CITY			9. STATE <input type="checkbox"/> PA	10. ZIP CODE	
11. OWNER/LESSEE OR CARRIER NAME (if different from defendant)				11A. IDENTIFICATION <input type="checkbox"/> None	
12. OWNER/LESSEE OR CARRIER ADDRESS (if different from defendant)				<input type="checkbox"/> Drivers License <input type="checkbox"/> Non Drivers License <input type="checkbox"/> Other _____	
13. VEHICLE REG. NO.	14. REG. YR.	15. STATE <input type="checkbox"/> PA	16. MAKE	17. TYPE	18. COLOR
19. VEHICLE REG. NO.	20. REG. YR.	21. STATE <input type="checkbox"/> PA	22. MAKE	23. TYPE	24. COLOR

SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.

VIOLATION TYPE		<input type="checkbox"/> Filed on Information Received		<input type="checkbox"/> Active Work Zone		TOTAL DUE*
26. <input type="checkbox"/> Vehicle Code <input type="checkbox"/> Ordinance	<input type="checkbox"/> Lab Services Requested					
29. CHARGE SECTION & SUBSECTION						
30. NATURE OF OFFENSE						
31. SPEED TIMED		32. SPEED ALLOWED		33. WEIGHT PERMITTED		34. ACTUAL VEHICLE WEIGHT
				lbs.		lbs.
35. FOLLOWED	36. TIMED	37. TIMED	38. SPEED EQUIP. SERIAL NO.	39. SPEED DETECT. EQUIP. TYPE	40. STAT. EQUIP. TST.	
miles		miles		seconds		
41. DATE EQUIP. TST.		42. ACC. ARREST/RPT. NO. <input type="checkbox"/> YES		43. LOCATION OF OCCURRENCE		
44. DISTRICT OCC.	45. SELECTIVE INF.	46. DIR OF TRAVEL	47. WEATHER CONDITIONS	48. OFFENSE DATE	49. DAY	50. TIME <input type="checkbox"/> AM <input type="checkbox"/> PM
		N S E W				

NOTICE TO APPEAR

YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:

MONTH	DAY	YEAR 200	TIME	<input type="checkbox"/> AM <input type="checkbox"/> PM	LOCATION: 800 Spring Garden Street Philadelphia, PA 19123
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If within 10 days of receipt of the citation, you enter a guilty plea and pay the fine and costs indicated on the citation, the summary trial will be cancelled. If you are charged with a violation of 75 Pa.C.S. § 1543 or any other violation that provides for the imposition of a prison sentence, you must appear on the above date with counsel. If you fail to appear for the trial, you are consenting to the trial in your absence. If you are found guilty, the collateral deposited will be forfeited and applied toward your fines and costs. Within 30 days of the entry of a guilty plea or adjudication of guilt you have the right to appeal for a trial *de novo* in the Court of Common Pleas.

I have served a copy of this Citation on the Defendant.
I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. §4904) relating to the unsworn falsification to authorities.

OFFICER'S SIGNATURE				BADGE NO.	
51. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION X				52. DATE <input type="checkbox"/> ISSUED <input type="checkbox"/> FILED	
53. STATION ADDRESS		54. DIST. ISS.		55. LAW ENFORCEMENT AGENCY	
				<input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> Bridge Police <input type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input type="checkbox"/> Other _____	
56A. JUVENILE <input type="checkbox"/> YES <input type="checkbox"/> NO	56B. PARENTS NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO	57. COMM VEH. <input type="checkbox"/> YES <input type="checkbox"/> NO	58. HAZ. MAT. <input type="checkbox"/> YES <input type="checkbox"/> NO	59. <input type="checkbox"/> MARKED <input type="checkbox"/> UNMARKED	
60. REMARKS					
TOTAL DUE	SECTION/SUB SEC.	61. DATE	<input type="checkbox"/> ISSUED <input type="checkbox"/> FILED	G	

NOTICE

If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to: 75 Pa.C.S. §§ 1371, 3341, 3345, 3367, 3718, 3733, 3734, 3736, subsequent convictions of 75 Pa.C.S. § 1501, a violation of 75 Pa.C.S. § 3361 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3362 when occurring in an active work zone.
***Final Amount to be determined by Traffic Court.**

AOPCA-2005
7-147 (Rev. 11-05)

TRAFFIC COURT

USE BALL POINT - PRINT & PRESS HARD

(12/21/05)

LOCAL RULE 1032. PLEAS IN RESPONSE TO CITATION. FAILURE TO TIMELY PLEA OR PAY THE REQUISITE COLLATERAL.

(a) General Rule. A defendant must enter a plea within ten days after issuance of the citation as required by Pa.R.Crim. P. 407 regardless of whether the citation issued to the defendant contains a summary trial hearing date.

(b) Not Guilty Plea. The defendant may plead not guilty in person at the Traffic Court, on-line through the Court's website, <http://courts.phila.gov> (click the "Traffic Court" link under the section entitled "Courts of the District"), or by mail by following the instructions contained on the back of the citation. The summary trial will be held on the date assigned pursuant to Local Rule 1031. No additional Notice of Trial shall be required to advise the defendant of the summary trial date unless the summary trial scheduled pursuant to Local Rule 1031 is rescheduled by the Philadelphia Traffic Court.

(c) Guilty Plea.

(1) Except as provided in paragraph (c)(2), the defendant may plead guilty in person at the Traffic Court, on-line through the Court's website, <http://courts.phila.gov> (click the "Traffic Court" link under the section entitled "Courts of the District"), or by mail by following the instructions contained on the back of the citation.

(2) If the defendant has been cited for violation of 75 Pa.C.S. § 1543 (B), and other violations which require the imposition of a prison sentence upon a guilty plea or adjudication, the defendant may not plead guilty by mail or electronically, and the summary trial will be held as scheduled, unless it is rescheduled by the Court.

(3) Any notice which reschedules a summary trial shall be mailed to the defendant, by first class mail, at the Defendant's last known address. A bench warrant shall be issued if the defendant fails to appear for the summary trial.

(d) Failure to Timely Plea or Post the Requisite Collateral. As required by Pa.R.Crim.P. 430, a warrant for the arrest of a defendant shall be issued if a defendant fails to enter a plea within ten days after the issuance of a citation. Moreover, the defendant's operating privileges may be suspended pursuant to 75 Pa.C.S. § 1033, and a late fee will be assessed, if the defendant fails to file a plea within ten days after issuance of the citation. A written notice of suspension, issuance of arrest warrant, or imposition of late fee shall be sent to the defendant, by first class mail, at the defendant's last known address.

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Court. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Court, whichever is later.

LOCAL RULE 1033. PROCEDURES WHEN DEFENDANT ARRESTED WITH WARRANT.

(a) Defendant Arrested During Traffic Court's Hours of Operation.

(1) A defendant arrested pursuant to a Traffic Court warrant shall be brought to the Traffic Court as soon as practicable after being processed provided the Traffic Court is open.

(2) A warrant hearing shall be conducted promptly by a Traffic Court Judge or hearing officer appointed pursuant to Local Rule 1036 to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Court warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, the Traffic Court Judge or hearing officer shall:

(A) Schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule.

(B) The defendant shall be released unless collateral has been ordered and is not posted.

(C) If the defendant is ordered to post collateral and the collateral is not posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(b) Defendant Arrested While Traffic Court is Closed. A defendant arrested pursuant to a Traffic Court warrant while the Traffic Court is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court Bail Commissioner shall be substantially as the form which follows this Local Rule.

Comment

Pa.R.Crim P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Court of Bail Acceptance Unit at the Criminal Justice Center, which is open around the clock, every day, including holidays.

SCHEDULING ORDERS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

Commonwealth of Pennsylvania vs.		Judge _____
_____ Defendant		Courtroom _____
A/K/A _____		Citation Numbers _____
PP#	DOB	OLN#

**SCHEDULING ORDER
(Summary Trial)**

AND NOW, this _____ day of _____ A.D. 20____, IT IS HEREBY ORDERED that a Summary Trial is scheduled in connection with the traffic citations listed above and Defendant is **ORDERED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Traffic Court**, 800 Spring Garden Street, Philadelphia, PA.

Defendant shall be released on his/her own recognizance pending the above scheduled summary trial.

The Defendant shall be released prior to the above summary trial upon the posting the sum of \$ _____ as collateral for outstanding traffic citations.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled summary trial. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

**I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:**

BY THE COURT:

Defendant

Date

TRAFFIC COURT JUDGE

Attorney

Date

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT**

ENFORCEMENT DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA : Citation Nos. _____

: PA MOTOR VEHICLE CODE

:

v.

: DATE: _____

: PP No. _____

Defendant

: Operator No. (PA) _____

: INTAKE NO. _____

COLLATERAL/FINES PAID: \$ _____

TO THE KEEPER OF:

_____ Philadelphia Prisons
_____ Police Department
_____ Other

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY/
IN THE PHILADELPHIA MUNICIPAL COURT**

BAIL ACCEPTANCE OFFICE

COMMONWEALTH OF PENNSYLVANIA Citation Nos. _____

VS.

Collateral/Fines Paid \$ _____

Processing Fee **\$5.00**

Total Paid \$ _____

To The Keeper Of:

_____ **Philadelphia Prisons**
_____ **Other**

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

Bail Acceptance Officer

COMMENTS:

SUBPOENA/COMMITMENT

THE CITY OF PHILADELPHIA
THE COMMONWEALTH OF PENNSYLVANIA

ss.

v.

No.

YOU ARE ORDERED TO APPEAR AT
PHILADELPHIA TRAFFIC COURT

AT	800 Spring Garden Street Philadelphia, PA 19123-2690
Date: _____	Time: 9:00 AM Courtroom: _____
P.P. NO.	CITATION NO.

DATE OF BIRTH (MM DD YY)	DRIVER'S LICENSE NO.	VEHICLE PLATE
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By the Order of the Traffic Court:

TO THE DEFENDANT: YOU ARE COMMANDED BY ORDER OF THE COURT TO APPEAR AS A DEFENDANT IN THIS CASE AT THE PRECISE DATE, TIME AND PLACE INDICATED ABOVE. IF YOU DO NOT APPEAR AS INDICATED ABOVE, YOU MAY BE FOUND GUILTY IN ABSENTIA AND A JUDGMENT MAY BE ENTERED AGAINST YOU. A WARRANT MAY BE ISSUED FOR YOUR ARREST AND, UPON ARREST, THE HEARING WILL BE RESCHEDULED AND YOU MAY BE HELD IN CUSTODY UNTIL THE RESCHEDULED HEARING DATE.

The Defendant may be released prior to the hearing by posting the sum of \$_____ for outstanding traffic citations or for the payment of Traffic Court fines and costs.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: If the posting of collateral is ordered, you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant. **You, the Keeper,** are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I hereby acknowledge receipt of this Subpoena and will appear on the above trial date.

Bernice A. DeAngelis
Administrative Judge, Traffic Court

YOU HAVE THE RIGHT TO BE
REPRESENTED BY AN ATTORNEY

BRING THIS NOTICE WITH YOU

RETAIN IN YOUR POSSESSION UNTIL APPEARANCE AT TRAFFIC COURT

Signature of Defendant

DATE SUBPOENA/COMMITMENT ISSUED	S.W. NO.	LAW ENFORCEMENT/BAIL COMMISSIONER SIGNATURE	BADGE NO.
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LOCAL RULE 1035. APPOINTMENT OF COUNSEL.

Counsel shall be provided to Traffic Court defendants who qualify pursuant to Pa.R.Crim.P. 1035 as follows:

- (a) Counsel will be appointed by the office of the Traffic Court Administrative Judge on a per diem basis to represent all Traffic Court defendants entitled to court-appointed counsel in connection with Traffic Court summary trials or hearings on the day of counsel's appointment. A separate appointment order, substantially in the form which follows this Local Rule, will be issued concerning each defendant represented by court-appointed counsel.
- (b) Court-appointed counsel's appointment terminates at the conclusion of the Traffic Court hearing; however, in the event any defendant represented during such one day appointment is sentenced to a period of incarceration, counsel's appointment will continue for that defendant until final judgment (including any proceedings upon direct appeal) of such prison sentence.
- (c) Court-appointed counsel's per diem compensation is \$200 for representing Traffic Court defendants at the Traffic Court level regardless of the number of defendants represented on the assigned day.
- (d) Compensation for representing a defendant in connection with an appeal to the Court of Common Pleas (regardless of the number of citations issued to the defendant which are being appealed) shall be \$200.00.
- (e) Court-appointed counsel shall be compensated \$300.00 per defendant for appeals to any appellate court from a prison sentence imposed by the Court of Common Pleas.
- (f) The appointment of counsel constitutes authority for the defendant to proceed in forma pauperis and authorization to file pleadings without the payment of filing fees.

