

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

Administrative Order No. 01 of 2012

In re: Motions to Vacate or Reduce Bail Forfeitures

ORDER

AND now, this 29th day of February, 2012, in order to streamline the filing and review of motions to vacate or reduce bail forfeitures, it is hereby ORDERED, ADJUDGED and DECREED that:

1) all motions to vacate or reduce bail forfeitures will be filed with the Clerk of Courts (the Office of the Clerk of Quarter Sessions having been abolished) in Room 310, Criminal Justice Center, 1301 Filbert Street, Philadelphia, PA 19107;

2) until further notice, no filing fee will be assessed or collected for the filing of motions to vacate or reduce bail forfeitures;

3) the court-approved Motion to Vacate or Reduce Bail Forfeitures shall be substantially as attached hereto as Exhibit "A" and may be modified by the court from time to time;

4) as provided in Pa.R.Crim.P. 122 (B)(2), after final judgment in the criminal case and any direct appeal thereof, representation of the defendant by court-appointed counsel shall cease and court appointed counsel shall not provide representation in connection with motions to vacate or reduce bail forfeitures unless privately retained by the defendant or surety;

5) upon filing, the Motion to Vacate or Reduce Bail Forfeitures shall be assigned to a review officer who will consider the documentation and allegations set forth in the motion together with all applicable court data and will issue, without a hearing, an order on behalf of the court in compliance with Philadelphia Criminal Rule 510 (D). The order issued by the review officer will become final unless within thirty (30) days of the date the order was issued or mailed the Petitioner files with the Clerk of Courts a request for a record hearing;

6) upon request by the Petitioner as provided above, a record hearing shall be held by a bail authority designated pursuant to Philadelphia Criminal Rule 510 (D). The hearing shall be held in accordance with Pa.R.Crim.P. No. 536 and Philadelphia Criminal Rule 510 and the designated bail authority may issue an order on behalf of the court denying the petition or directing that the bail forfeiture and judgment be vacated or reduced if justice does not require the full enforcement of the bail forfeiture and judgment. This order will become final unless within thirty (30) days of the date the order was issued or mailed, the Petitioner files with the Clerk of Courts a request for review by the President Judge or the President Judge's judicial designee;

7) Philadelphia Criminal Rule 510 (C) is rescinded; and

8) all other terms of Philadelphia Criminal Rule 510, to the extent not amended by this Order, shall remain in full force and effect.

As required by Pa.R.Crim.P. No. 105 (D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the terms set forth in this order are not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Prothonotary and the Clerk of Courts in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Honorable Pamela Pryor Dembe

/s/ Honorable John W. Herron

Honorable Pamela Pryor Dembe
President Judge
Court of Common Pleas
First Judicial District of Pennsylvania

Honorable John W. Herron
Administrative Judge, Trial Division
Court of Common Pleas
First Judicial District of Pennsylvania

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS
Trial Division — Criminal**

Motion to Vacate or Reduce Bail Judgment
(Attach additional pages as may be necessary)

For Official Use Only - Bar Code

<p>Motion Must Be Filed With the: Clerk of Courts Room 310 Criminal Justice Center, 1301 Filbert Street Philadelphia, PA 19107</p>	<p>CRIMINAL DOCKET NUMBER</p> <p>___ - 51 - CR - _____ - _____</p>
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NAME OF PETITIONER <i>(Person Filing the Motion)</i>	SID <i>(If Available)</i>	PID/PP# <i>(If Available)</i>
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CRIMINAL CASE CAPTION

PETITIONER'S CURRENT ADDRESS <i>(To Be Entered By the Petitioner)</i>	TELEPHONE NO.
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INFORMATION REGARDING FORFEITED BAIL

BAIL JUDGMENT NUMBER	DATE JUDGMENT ENTERED	JUDGMENT AMOUNT	TYPE OF BAIL
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BENCH WARRANT HEARING DATES

BASIS FOR REQUESTING VACATION OR REDUCTION OF JUDGMENT

MUST BE COMPLETED BY THE PETITIONER

The Petitioner requests that the Judgment be vacated because the defendant was incarcerated at _____ on the date the Defendant failed to appear for a Court hearing. ***Petitioner must attach Prison records.***

The Petitioner requests that the Judgment be vacated because the defendant was hospitalized at _____ on the date the Defendant failed to appear for a Court hearing. ***Petitioner must attach Hospital records.***

The Petitioner requests a percentage reduction of the judgment, calculated pursuant to Philadelphia Criminal Rule 510(D)(3), considering the amount of time between the date the defendant failed to appear for a hearing and the date the defendant returned to court, as follows: 0 to 60 days: **90%**; 61 to 90 days: **70%**; 91 to 120 days: **50%**; 121 to 180 days: **30%**; and over 180 days: **0%**.

The Petitioner requests the Court to consider the following explanation to justify the defendant's failure to appear, and to consider the mitigating factors noted below in deciding whether justice requires the full enforcement of the forfeiture order: ***(attach any documentation you wish the Court to consider and be as specific as possible):***

Verification

I, being duly sworn according to law, depose and say that I am the Petitioner/Surety in the within action and that the facts set forth in the foregoing *Motion to Vacate or Reduce Bail Judgment* are true and correct to the best of my knowledge, information and belief.

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

*Date**Name of Petitioner**Signature of Petitioner*