

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020

:
Criminal Section Post-Pandemic, :
Transitional Operation and :
*Scheduling Protocols*¹ : DELAWARE COUNTY NO. 5120-17

SIXTH EMERGENCY ORDER EXTENSION – CRIMINAL SECTION

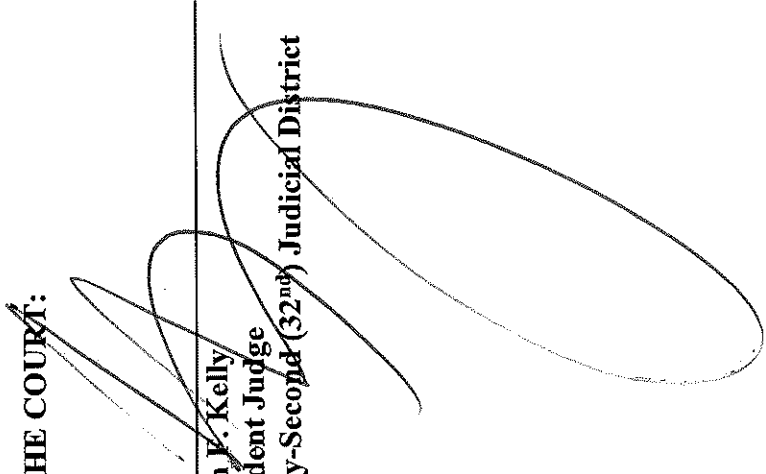
AND NOW, this 2nd day of July, 2021, this court having previously declared in the thirty-second (32nd) judicial district (Delaware County) a judicial emergency and relatedly, an immediate past, emergent declaration extension pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same yet remaining in effect,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the liaison judge that the attached criminal section operational and/or revised scheduling protocols reflecting the court of common pleas' criminal section transition to post-pandemic business processes **SHALL** become **EFFECTIVE JULY 19, 2021**, and continue through and including **AUGUST 31, 2021**.³

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial

Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).⁴

BY THE COURT:



Kevin J. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Emergency Order – Criminal Section dated May 27, 2020; Emergency Order – Criminal Section, as Amended, dated June 5, 2020; Emergency Order – Criminal Section, as Amended, dated June 30, 2020; Emergency Order – Criminal Section, as Amended, dated July 8, 2020; Second Emergency Order Extension – Criminal Section dated July 24, 2020; Third Emergency Order Extension – Criminal Section dated October 20, 2020; Third Emergency Order Extension – Criminal Section, as Amended, dated December 18, 2020; Fourth Emergency Order Extension – Criminal Section dated January 22, 2021; and Fifth Emergency Order Extension Criminal Section dated April 21, 2021.

² See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; May 27, 2020, pp. 1-3; and June 21, 2021 – Pennsylvania Supreme Court, Nos. 531, 532 and 553, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; Fifth Emergency Declaration Extension dated October 20, 2020; Sixth Emergency Declaration Extension dated January 22, 2021; and Seventh Emergency Declaration Extension dated April 21, 2021. See also Pa.R.J.A. No. 1952(B)(1)(2).

³ It is currently anticipated the court will use the actual experiences of criminal jury trials resuming, including but not limited to the rate of responses to the mailed juror summonses, and the number persons resultantly voicing COVID-19 related worries, as well as direct feedback and the reaction of those participating in the jury selection process and/or serving as jurors, to determine a next course of proceeding subsequent to this transitional period (July 19, 2021 – August 31, 2021). See Attached Protocol dated July 2, 2021. Assuming the circumstances salient to such considerations (*E.g.* response rate of prospective jurors to the summonses and/or the venire panel and/or seated jurors express no and/or modest concerns) are largely positive and the COVID-19 public health crisis remains notably abated, it is presently hoped with cautious optimism the criminal section can resume pre-pandemic operations the week beginning September 7, 2021. See Order dated June 21, 2021 – Pennsylvania Supreme Court, No. 553, Judicial Administration Docket. Any need to yet then address issues still lingering stemming from the coronavirus may in lieu of any continued emergent order be recognized via such an administrative directive. See generally Pa.R.J.A. No. 1952(B)(1)(2).

⁴ See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 - Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

DELAWARE COUNTY COURT OF COMMON PLEAS

CRIMINAL SECTION POST-PANDEMIC, TRANSITIONAL OPERATIONAL AND SCHEDULING PROTOCOLS

PURPOSE

Recognizing the Supreme Court of Pennsylvania has directed, *inter alia*, that the Commonwealth's judicial districts must continue making constant best efforts to accomplish a full-scale processing of cases and that the COVID-19 public health crisis has as of this date been notably abated, along with a related and significant lessening by applicable governmental authorities of the previously imposed coronavirus mitigation restrictions, this court in consultation with core systematic stakeholders has developed and is implementing the following described plan as what is anticipated to be a purposefully measured, transitional, operational increment realizing the balance between the utmost concern of the judiciary for the safety of court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally, while also being mindful of the necessity to once more provide with comprehensive regularity for the timely administration of justice.¹

That instructed below as material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the subsequent concerns, if any, presented by the currently fading COVID-19 public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL persons entering the Delaware County Courthouse and/or **ANY** offices of judicial agencies **MUST** be in **FULL COMPLIANCE** with **ALL** federal, state and/or county directives then in place to stem the coronavirus spread, if any, and as may be applicable to a given individual (*E.g.* Fully vaccinated and two (2) weeks subsequent to a final such inoculation shot or unvaccinated).

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY NOTIFY** via counsel the presiding judge's chambers that he or she is suffering from such symptoms. The judge through his or her staff will provide direction about a next course of proceeding and relatedly, a subsequent listing date. (If unaware of the assigned and/or presiding judge, an interested party and/or the involved attorney should instead contact the District Court Administrator's Office – 610 891-4557.)

ANY litigant, lawyer, witness and/or other interested party having been tested and/or diagnosed by a physician positive for COVID-19 **AND** resultantly still being under a medical professional's quarantine instruction **SHALL NOT** report as scheduled, but instead **MUST PROMPTLY** by the involved lawyer notify **PRIOR TO THE LISTED DATE** the assigned judge and follow the salient direction of the designated judge through his or her chambers personnel. (If unaware of the assigned and/or presiding judge, an interested party and/or counsel should instead contact the District Court Administrator's Office – 610-891-4557.)

ANY member of the general public experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **SHALL NOT** enter the Delaware County Courthouse and/or ANY judicial departmental offices.

ANY member of the general public having been past tested and/or diagnosed by a physician positive for the coronavirus **AND** resultantly yet being under a medical professional's quarantine directive **SHALL NOT** then enter the Delaware County Courthouse and/or ANY judicial agency's office.

Subject to that detailed above (*E.g.* person under a treating doctor's COVID-19 quarantine instruction) and/or below (*E.g.* because of the reconfiguration of jury seating in a given courtroom, there is otherwise inadequate spacing to permit sufficient social distancing), **ALL** criminal trial court proceedings **MUST** be open to the public generally.

ANY credentialed members of the media wanting to attend a criminal listing and advised by judicial personnel staffing a courtroom – hearing room that access to the same cannot then be allowed due to space constrains should contact District Court Administrator Gerald C. Montella, Esquire (610 892-4557) to allow for reasoned, immediate access. It is suggested that credentialed media members should contact the district court administrator (Gerald C. Montella, Esquire – 610 891-4557) in advance to arrange to attend any proceeding expected to garner appreciable public interest. (Should the press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (*E.g.* due to the appreciable numbers present adequate distance in a courtroom not possible), if any, the district court administrator in collaboration with interested press will create a pool of representative media members to attend *in-person* such court proceedings.

Unless the presiding judge and/or another judicial officer directs the contrary, credentialed press members will still be able to listen to audio recordings of the court proceedings at the Office of Court Electronic Recording as arranged through its director, Richard J. Coogan (610 891-4477). No more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediate subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing – trial, unless the

presiding judge and/or another judicial authority via his or her order direct otherwise, by contacting its director, Richard J. Coogan (610 891-4477), to listen to at the Court Electronic Recording Office the same.

ALL *in-person* listings days MUST be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers of Control for Disease and Prevention coronavirus guidelines, as well as other such federal, state, and/or county public health directives, if any, including but not limited to sufficient social distancing. The presiding judge as he or she believes necessary to assure compliance with any governmental instruction designed to stem the COVID-19 spread may limit the number of persons permitted at a given time in a courtroom – hearing room, as well as direct such additional safeguards (*E.g.* wearing of a mask) he or she reasonably believes is warranted.

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directive(s) of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in any courtroom – hearing room. As should be necessary, court officers may *temporarily* prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties, witnesses and/or the public generally to remain the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* nonoperational courtroom – hearing room) then designated for overflow purposes by the district court administrator, if any.

If a court officer encounters difficulties and/or the refusal of any interested party, a lawyer, witness and/or member of the public in following his or her direction about entering a courtroom – hearing room and/or maintaining sufficient distancing in a courtroom – hearing room, the same **MUST** be promptly reported to the presiding judge and if such personnel are then present, deputy sheriffs and/or park police officers.

Continued failure of an interested party, counsel, witness and/or member of the public to follow the governmental directives, if any, and/or those of the presiding judge, whether instructed by the jurist or through a court crier – court officer, material to stemming the coronavirus spread may, *inter alia*, result in any such individual’s immediate removal from the courthouse – governmental complex by sworn personnel of the Delaware County Park Police or the Delaware County Sheriff’s Office. In the event a person for this non-compliance is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding of the matter involving that party, lawyer, and/or witness of the removal.

ALL courtrooms – hearing rooms utilized for *in-person* proceedings will following the conclusion of a given day’s cases be sanitized, as will those areas of the courthouse commonly used for individuals who get to and from a courthouse – hearing room (*E.g.* courthouse’s public elevators and the stairwell to the second floor).

CRIMINAL SECTION

The nine (9) judge criminal section will remain *temporarily* organized into three (3) subgroups as follows: Team A – Judges Bradley, Brennan and Amoroso; Team B – Judges Green, Capuzzi and Cappelli; and Team C – Judges Pagano, Scanlon and Pileggi. From the present through and including Friday, July 16, 2021, each team (A, B, and C) during a given week will have two (2) available courtrooms for its use Monday, Tuesday, Wednesday and Friday. (There will for now and continuing through this court’s next such material order (*E.g.* A vacating of all COVID-19 emergent orders and related protocols and/or the subsequent entry of an administrative order in some part continuing the same) be no criminal court proceedings on Thursdays, unless the president judge or criminal liaison then approve such a listing, to allow protection from abuse (“PFA”) hearings to be divided among a number of judges as is further detailed in the current family section protocols with smaller sized lists and all such cases heard in the larger criminal courtrooms. There may on occasion be a day other than a Thursday when protection from abuse matters are scheduled and if so, that week’s PFA cases will be set on Wednesday with no criminal prosecutions for those reasons noted above listed that day (Wednesday); however, the criminal judges sitting in any such week can instead list matters on Thursday. Hence, on any day of the week until July 16, 2021, excepting Thursdays or perhaps a given Wednesday, no more than six (6) criminal judges will be contemporaneously in session, absent some emergent need sanctioned by the president judge or criminal liaison.²

EFFECTIVE, JULY 19, 2021, and consistent with the appended, sectional calendars, criminal jury trials will resume.³ Per the attached sectional calendars, six (6) of the nine (9) criminal judges will sit for at least three (3) week terms while the other three (3) then have office weeks, on a continuing rotational basis with each judge then slated to be in court having a specific slot Monday, Tuesday or Wednesday to select weekly a jury. On these days (Mondays, Tuesdays and Wednesdays), jury selection for the designated judges will begin in the morning promptly at 9:00 a.m. with a second selection of a jury in the afternoon commencing at 2:00 p.m. sharp.

For reasons such as vacations, the attached, *interim* criminal section calendar is subject to change, in whole or part. Any such modifications to the appended, sectional calendars are to be coordinated through the district court administrator or his designee and/or the president judge. Once these changes have been processed by the district court administrator (or his designee) and/or the president judge, the involved criminal judge(s) are to make the same timely known to the Delaware County District Attorney’s Office and the Office of the Delaware County Public Defender, as well as any impacted defense counsel.

Appreciating the criminal judges will for now be sitting only four (4) days weekly, as well as that office weeks will be for a three (3) week period, time sensitive listings, including but not limited to bail filings and/or any other type hearing which may result in a defendant’s discharge from prison (*E.g.* time-served guilty pleas), although assigned to a judge may at that designated jurist’s request and with the agreement of a judicial colleague be heard otherwise sooner.

Because of the continuing need for the weekly PFA hearings to be apportioned among a number of judges with smaller sized lists and these cases to be heard in the larger criminal courtrooms, there will for now be no *in-person* criminal proceedings listed on Thursdays, including but not limited to jury trials.

Recognizing this judicial district's (32nd – Delaware County) individual calendaring system, each criminal judge will remain responsible for scheduling his or her assigned cases as he or she believes appropriate, including but not limited to jury trials, along with providing the commonwealth and defense reasonable notice of the same, excepting pre-trial conference listings stemming from the defendant's formal arraignment, which in accord with long-term protocols will be designated by the Office of the Criminal Court Administrator from those such dates the criminal judges have respectively provided that office.

To maximize the modestly limited number of jury selection slots, the assigned judges will provide the involved lawyers with a list of at least three (3) cases he or she firmly intends to try on a given day together with an order of these matters trial priority.

To facilitate the timely selection of a jury in both the mornings and afternoons of Mondays, Tuesdays and Wednesdays, **ALL** involved attorneys **AND** the accused, if at liberty on bail, **MUST** report at the time the presiding judge directs, as well as then be prepared to immediately proceed. Failure of a lawyer and/or an accused, if released on bail, to timely appear may, *inter alia*, result in the court continuing that case and instead moving to trial on another matter then scheduled. For those cases on a court's trial list on a certain day with secondary priority (*E.g.* the second or third of the prosecutions then set for trial), counsel **AND** the accused, if at liberty on bail, **MUST** report, as well as be prepared to immediately proceed, no later than thirty (30) minutes subsequent to such notification of the presiding judge. Should a lawyer and/or the accused, if released on bail, in a matter of secondary priority not timely appear as instructed by the assigned judge, the court may, *inter alia*, continue the case to a subsequent date and then move to try another prosecution on that day's trial priority list.

Absent the most extraordinarily compelling of reasons, neither commonwealth nor defense continuances will be allowed on any date a matter is set for jury selection.

The court will not entertain proffered, negotiated guilty pleas on the date a given case is listed for jury selection, absent the most extraordinarily compelling of reasons to the contrary.

ALL jury selection will take place in Courtroom No. 1. As the presiding judge in his or her reasoned discretion believes appropriate, individual *voir dire* may take place at sidebar and/or in the deliberation room of Courtroom No. 2 (immediately behind and to the right of Courtroom No. 1). (The deliberation room of Courtroom No. 2 has for purposes of maintaining a proper record been outfitted with a CourtSmart electronic recording system.) Once seated, the presiding judge, counsel, the accused and the jury for the conducting of the trial will relocate to an assigned courtroom. The courtrooms which will be utilized for criminal jury trials presently are Nos. 2, 3, 4, 5, 6 and 9. (Counsel and/or any other interested

party should contact the chambers of the presiding judge to learn regarding a specific trial what courtroom he or she will be sitting. Alternatively, assigned courtroom inquiries can be directed to the Court Administrator's Office (610 891-4550)

Courtroom Nos. 2, 3, 4, 5, 6 and 9 will for purposes of criminal jury trials be reconfigured. The fourteen (14) jurors (twelve (12) jurors proper and two (2) alternates) will instead of being crowded together in the jury box be dispersed to assigned seats throughout the courtroom's body.⁴ The "witness stand" will be relocated to the second or higher row of the jury box with the witnesses testifying from the seat closest to the courtroom's body. (Amplification and recording devices will be placed in direct proximity to this relocated "witness stand.") Counsel tables will be repositioned in the well of the courtroom to permit the lawyers and the accuseds reasonable sightlines for both this relocated "witness box" and the jurors about the courtroom.

Recognizing the confining size of the jury deliberation rooms attendant to Courtroom Nos. 2, 3, 4, 5, 6 and 9, the criminal juries when so directed by the presiding judge will deliberate to a verdict in the assigned courtroom. Court officers, deputy sheriffs and/or park police will on the start of deliberations through their conclusion be assigned to the hallways just outside any such courtroom's front and back entrance doors to assure the jury's deliberative processes remain confidential.

For those matters during the course of a trial a judge must entertain outside of the jurors' presence and with the accused's direct participation, hearing rooms A-1, E and F will be available. (*E.g.* The court's colloquying of a defendant at the close of the prosecution's case-in-chief about his or her election to testify.) The Office of the District Court Administrator will via a daily email notify the six (6) judges then sitting for such purposes which hearing rooms (A-1, E and F) are available that day. **ALL** these emails will be copied to **BOTH** of the scheduled judges' chambers clerical personnel. (Because of formal arraignments being relocated from courtroom No. 4 to hearing room E there will be days the same is not available; however, there should at all times be at least two (2) of these three (3) hearing rooms (A-1, F and/or E) reasonably accessible to a judge presiding over a jury trial.)

Recognizing that because of the continuing need for protection from abuse cases to be heard in a smaller list format by the family judges in those larger courtrooms yet precludes there having on Thursdays *in-person* criminal matters, each judge scheduled to sit in a given week will be able to hear by video his or her Gagnon II cases every Thursday. Such is reflected by the appended calendars, effective the week of July 19, 2021, by every Thursday being noted as a "V."⁵ The criminal judges then scheduled to sit may also as can be reasonably arranged with the Legal Audio-Visual Department list any other type video proceedings believed appropriate.

The District Court Administrator's Office will no later than Wednesday of every week email to the six (6) criminal judges then scheduled to sit the hearing room – courtroom assignments for that Thursday's Gagnon II and as it may be applicable any other video proceedings a judge scheduled through

the legal audio-visual department. **ALL** these emails will be copied to **BOTH** of the scheduled judges' chambers clerical personnel.

Consistent with pre-pandemic routines, the criminal judges then scheduled to sit may as well list on a day other than Thursdays any type video proceedings believed appropriate and as the Legal Audio-Visual Office may be able to reasonably effectuate.

Appreciating the increased volume of "virtual" proceedings in combination with George W. Hill Correctional Facility (Delaware County Prison) having a limited number of video hearing room facilities, the judges are expected to make every reasonable effort to move forward as scheduled with **ALL** video listings and counsel for any such "virtual" proceedings **MUST** appear on time promptly, **EFFECTIVE JULY 19, 2021**.

Courtroom Nos. 14, 15 and/or 16 are available *on request* to be used by the criminal judges then having an office week(s) and/or whose courtroom(s) are not available because of ongoing jury deliberations for *any type non-jury* proceeding, including but not limited to suppression hearings, PCRA evidentiary listings and/or non-jury trials. (Because of summary appeal hearing lists there are certain Tuesdays every month some or all of these Courtroom Nos. 14, 15 and/or 16 may not be available.) Any judge wanting to utilize Courtroom Nos. 14, 15 and 16 **MUST** request the same *in advance* via an email to District Court Administrator, Gerald C. Montella, Esquire, copied to Mary E. Donnelly, Project Specialist. It is **ONLY** after the court administrator's office has confirmed such availability that courtroom Nos. 14, 15 and/or 16 may be used. In addition to the sought-after date and anticipated time of use (*E.g.* half day beginning at 9:00 a.m.), these emails **MUST** also note whether a given matter involves a jailed defendant and/or need for video. (Currently, only courtroom No. 14 is presently outfitted with the equipment and/or connections necessary to video listings.)

In ongoing consultations with Jerry L. Sanders, Jr., the Sheriff of Delaware County, and his Chief Deputy, Michael A. Donahue, there will be **NO LIMITATIONS** on the number of inmates custodially transported to and/or from any penal facility, excepting Thursdays (or as applicable some Wednesdays), when because of PFA lists, there are no criminal court schedulings.

AS OF JULY 19, 2021, Rule 150 – "Fast Track" guilty plea video lists will return to the pre-pandemic Monday and Thursday schedulings.⁶ These Rule 150 – "Fast Track" video hearings will be heard by a senior judge and/or a criminal jurist not then otherwise listed to sit.

Accelerated Rehabilitative Disposition ("ARD") admissions will still for now not be held monthly in large group numbers. Rather, each week the Office of the Delaware County District Attorney will continue forwarding to the Delaware County Criminal Court Administrator's Office a list of those accuseds it found to be proper candidates for the ARD program. The Office of the Criminal Court Administrator will promptly notify any assigned judge of those matters that have been approved for ARD by the prosecution or as may alternatively be needed designate a criminal judge to such a case and then

timely make aware the newly assigned jurist of the defendant's ARD eligibility approval. The designated judge will then schedule those pre-approved ARD cases as part of his or her regular, recurring lists. It is still strongly suggested to not occasion a continuance of the case and delay a client's admission into the ARD program that **ALL** financial responsibilities be satisfied before these schedulings. **ANY** payments necessary to ARD admission can be made in advance through Court Financial Services which can be sent via mail as follows: Court Financial Services – 201 West Front Street, Media, Pennsylvania 19063. **Mailed payments are limited to check or money order. DO NOT MAIL CASH.** Payment of an ARD financial obligation can also be made *in-person* at the Court Financial Services Office prior to any such listing date. ARD defendants still owing money will immediately after the in-court programmatic admission be escorted by their counsel or a court officer to the Court Financial Services Office to then remit any required payment immediately subsequent to the ARD admission hearing. Any *in-person* payments may be by cash, check, money order and/or credit card.

As has been the long-time practice, defendants on the imposition of a sentence or admission into the ARD program will immediately undergo an intake meeting with staff of the Delaware County Adult Probation and Parole Office. This initial processing of sentenced defendants or those admitted into the ARD program will continue to take place in the basement located intake office of Adult Probation and Parole and all those just sentenced and/or placed into the ARD program will be ushered to that office by court officers for those released on bail, while prisoners will be accompanied in the custody of deputy sheriffs.

The Delaware County Court Administrator's Office will **CONTINUE** to accept and process with that court office's salient protocols and/or applicable local rules written waivers of arraignment proffered by counsel on behalf of his or her clients, except that to the contrary directed immediately below.

The Criminal Court Administrator's Office will relative to formal arraignments accept an otherwise properly completed waiver of arraignment packet through and including the Thursday immediately preceding the already set date. (*E.g.* Waivers for any formal arraignments listed on July 21, 2021, will be accepted through July 15, 2021.)

The Office of the Delaware County Criminal Court Administrator will **CONTINUE** to conduct weekly video conference formal arraignments of those defendants incarcerated, as well as *in-person* formal arraignments, consistent with that office's material protocols and/or any such applicable local rules. *In-person* formal arraignments will relocate from courtroom No. 4 to hearing room E, **EFFECTIVE THE WEEK BEGINNING JULY 19, 2021.**

ALL lawyers are strongly encouraged to timely and meaningfully discuss with each and every client a possible waiver of his or her formal arraignment, along with the obvious related safety benefits of not having to appear for such purposes *in-person*.

¹ See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; May 27, 2020, pp. 1-3; and June 21, 2021 – Pennsylvania Supreme Court, Nos. 531, 532 and 553, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; Fifth Emergency Declaration Extension dated October 20, 2020; Sixth Emergency Declaration Extension dated January 22, 2021; and Seventh Emergency Declaration Extension dated April 21, 2021. See also Pa.R.J.A. No. 1952(B)(1)(2).

² See Attached *Temporary*, Criminal Section Calendars detailing, *inter alia*, from the present through July 16, 2021, the specific six (6) criminal judges sitting weekly.

³ See Attached *Temporary*, Criminal Section Calendars.

⁴ For trials held in courtroom Nos. 2, 3, 4 and 5, the jurors will all be seated to the bench's left. Because of their size constraints, jury trials conducted in courtroom Nos. 6 and 9 will necessitate jurors being seated about both sides of those courtrooms' bodies.

⁵ See Attached *Temporary*, Criminal Section Calendars.

⁶ See Attached *Temporary*, Criminal Section Calendars. (The Rule 150 – “Fast Track” guilty plea video lists are noted on these calendars as “GP-BW.”)

**CRIMINAL CALENDAR
2021**

July

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28*	29*	30*
<i>Liaison Judge Bradley</i>	X	O	O	X	O	TR V	TR	TR	X	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR
<i>Judge Pagano</i>	X	TR	TR GP-BW	X	TR V	TR	TR	TR	X	TR V	TR PM	TR	TR	V	TR	TR	TR	TR	V	TR
<i>Judge Brennan</i>	X	TR	TR	X	TR GP-BW	O	O	O	X	O	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR
<i>Judge Green</i>	X	O	O	X	O	TR	TR V	TR	X	TR	O	O	O	O	O	TR	TR PM	TR	V	TR
<i>Judge Capuzzi</i>	X	TR V	TR	X	TR	TR GP-BW	TR V	TR	X	TR	TR	TR	TR AM	V	TR	TR PM	TR	TR	V	TR
<i>Judge Cappelli</i>	X	TR V	TR	X	TR	O	O	O	X	O	TR	TR	TR PM	V	TR	TR	TR	TR	V	TR
<i>Judge Scanlon</i>	X	O	O	X	O	TR	TR	TR GP-BW	X	TR V	O	O	O	O	O	O	O	O	O	O
<i>Judge Amoroso</i>	X	TR	TR	X	TR	TR V	TR	TR	X	TR GP-BW	O	O	O	O	O	O	O	O	O	O
<i>Judge Pileggi</i>	X	TR	TR	X	TR V	O	O	O	X	O	TR	TR	TR PM	TR	TR	O	O	O	O	O

SPECIAL COURTS

<i>P. Judge Kelly</i>	X	DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>	X	VC			MHC		VC					VC			MHC		VC			MHC
<i>S. Judge Mallon</i>	X										GP-BW			GP-BW		GP-BW			GP-BW	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Day - Gagnon Hearings TR = Non-Jury Trials & Hearings DC = Drug Court MHC = Mental Health Court VC = Veterans Court O = Office
* State Trial Judges Conference

Notes: Back up Judge shall secure a substitute Judge or switch weekly assignments with another Judge and notify Criminal Court Administrator of any changes.

The Judge which is presiding over GP/BW shall also secure substitute Judge for coverage if needed and notify Criminal Court Administrator of scheduling changes.

S. Judge Osborne will be presiding over Veteran's Court and Mental Health Court cases.

P. Judge Kelly will assist S. Judge Osborne in Mental Health Court and Veteran's Court as needed.

July

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30
VIDEO TEAM	X	B		X	C	A	B		X	C										

TEAM A: Judge Bradley, Judge Brennan, Judge Amoroso

TEAM B: Judge Green, Judge Capuzzi, Judge Cappelli

TEAM C: Judge Pagano, Judge Scanlon, Judge Pileggi

**CRIMINAL CALENDAR
2021**

August

September

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30	31	1	2	3
<i>Liaison Judge Bradley</i>	O	O	O	O	O	TR PM	TR	TR	TR	TR	O	O	O	O	O	O	O	O	O	O	TR AM	TR	TR	V	TR
<i>Judge Pagano</i>	TR PM	TR	TR	V	TR	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	TR PM	TR	TR	V	TR
<i>Judge Brennan</i>	TR	TR AM	TR	V	TR	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	TR	TR AM	TR	V	TR
<i>Judge Green</i>	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	O	O	O	O	O
<i>Judge Capuzzi</i>	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	O	O	O	O	O
<i>Judge Cappelli</i>	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	O	O	O	O	O
<i>Judge Scanlon</i>	O	O	O	O	O	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR	TR PM	TR	V	TR
<i>Judge Amoroso</i>	TR AM	TR	TR	TR	TR	O	O	O	O	O	TR PM	TR	TR	V	TR	TR PM	TR	TR	V	TR	TR	TR	TR PM	V	TR
<i>Judge Pileggi</i>	O	O	O	O	O	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR	TR AM	V	TR

SPECIAL COURTS

<i>P. Judge Kelly</i>		DC		DC			DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC					VC		MHC			VC		MHC			VC					VC			
<i>S. Judge Mallon</i>	GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW		GP-BW			GP-BW	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Day - Gagnon Hearings TR = Non-Jury Trials & Hearings DC = Drug Court MHC = Mental Health Court VC = Veterans Court O = Office

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August

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30	31	1	2	3
VIDEO TEAM																									

TEAM A: Judge Bradley, Judge Brennan, Judge Amoroso

TEAM B: Judge Green, Judge Capuzzi, Judge Cappelli

TEAM C: Judge Pagano, Judge Scanlon, Judge Pileggi

CRIMINAL CALENDAR 2021

September

October

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	6	7	8*	9*	10*	13	14	15	16	17	20	21	22	23	24	27	28	29	30	1
<i>Liaison Judge Bradley</i>	X	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR
<i>Judge Pagano</i>	X	TR	TR	V	TR	TR PM	TR	TR	V	TR	TR PM	TR	TR	V	TR	TR PM	TR	TR	V	TR
<i>Judge Brennan</i>	X	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR
<i>Judge Green</i>	X	O	O	O	O	O	O	O	O	O	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR
<i>Judge Capuzzi</i>	X	O	O	O	O	O	O	O	O	O	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR
<i>Judge Cappelli</i>	X	O	O	O	O	O	O	O	O	O	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR
<i>Judge Scanlon</i>	X	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	O	O	O	O	O	O	O	O	O	O
<i>Judge Amoroso</i>	X	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	O	O	O	O	O	O	O	O	O	O
<i>Judge Pileggi</i>	X	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	O	O	O	O	O	TR	TR	TR AM	V	TR
SPECIAL COURTS																				
<i>P. Judge Kelly</i>	X	DC		DC			DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>	X	VC			MHC		VC			MHC		VC					VC			MHC
<i>S. Judge Mallon</i>	X			GP/BW		GP/BW			GP/BW		GP/BW			GP/BW		GP/BW			GP-BW	

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*Bench Bar

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	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	1
VIDEO TEAM																				

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TEAM B: Judge Green, Judge Capuzzi, Judge Cappelli

TEAM C: Judge Pagano, Judge Scanlon, Judge Pileggi

CRIMINAL CALENDAR 2021

October

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	29
<i>Liaison Judge Bradley</i>	TR AM	TR	TR	V	TR	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<i>Judge Pagano</i>	TR PM	TR	TR	V	TR	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<i>Judge Brennan</i>	TR	TR AM	TR	V	TR	X	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<i>Judge Green</i>	TR	TR PM	TR	V	TR	X	TR	TR	V	TR	TR AM	TR	TR	V	TR	TR AM	TR	TR	V	TR
<i>Judge Capuzzi</i>	TR	TR	TR AM	V	TR	X	TR	TR	V	TR	TR PM	TR	TR	V	TR	TR PM	TR	TR	V	TR
<i>Judge Cappelli</i>	TR	TR	TR PM	V	TR	X	TR AM	TR	V	TR	TR	TR AM	TR	V	TR	TR	TR AM	TR	V	TR
<i>Judge Scanlon</i>	O	O	O	O	O	X	TR PM	TR	V	TR	TR	TR PM	TR	V	TR	TR	TR PM	TR	V	TR
<i>Judge Amoroso</i>	O	O	O	O	O	X	TR	TR AM	V	TR	TR	TR	TR AM	V	TR	TR	TR	TR AM	V	TR
<i>Judge Pileggi</i>	O	O	O	O	O	X	TR	TR PM	V	TR	TR	TR	TR PM	V	TR	TR	TR	TR PM	V	TR
SPECIAL COURTS																				
<i>P. Judge Kelly</i>		DC		DC		X	DC		DC			DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC			MHC	X	VC					VC			MHC		VC			MHC
<i>S. Judge Mallon</i>	GP/BW			GP/BW		X			GP/BW		GP/BW			GP/BW		GP/BW			GP/BW	

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