

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Criminal Section Cancellations and :
*and Revised Scheduling Protocols*¹ : DELAWARE COUNTY NO. 5120-17

EMERGENCY ORDER – CRIMINAL SECTION, AS AMENDED²

AND NOW, this 30th day of June, 2020, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once more extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,³ 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 criminal section directives of June 5, 2020,⁴ **SHALL** be **AMENDED** to reflect the resumption of certain *in-person*, formal criminal arraignments before the Delaware County Court of Common Pleas as the attached protocol more further details.⁵

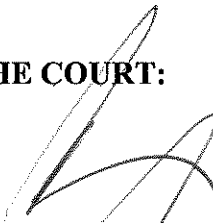
Except to the extent directed above, this court's Emergency Order – Criminal Section, as Amended, dated June 5, 2020,⁶ **SHALL** remain in full force and effect.

The Third Order Extending Emergency Cancellation of *In-Person* Formal Criminal Arraignments of June 22, 2020,⁷ is **VACATED, EFFECTIVE IMMEDIATELY**, and moving forward this subject (*I.e. In-person* formal criminal arraignment listings) will be directed by the Criminal Section Emergency Cancellation and Revised Scheduling Protocols⁸ in effect via this court's such order.

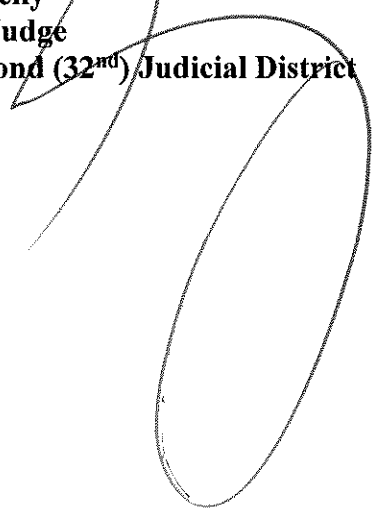
That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

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).⁹

BY THE COURT:



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



¹ See Emergency Order – Criminal Section dated May 27, 2020, and Emergency Order – Criminal Section, as Amended, dated June 5, 2020.

² *The amendments adopted by this order detail the scheduling of certain in-person, formal criminal arraignments and can be found beginning on page nine (9) of the attached criminal section protocols. See Criminal Section Emergency Cancellation and Revised Scheduling Protocols dated June 30, 2020. (A copy of this amended protocol (June 30, 2020) is attached and wholly by reference incorporated. The additions to the immediate past criminal section directives (June 5, 2020) start on page nine (9) and all these amendments for ease of reference are throughout underlined.)*

³ 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; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; and Third Emergency Declaration Extension dated May 27, 2020. See also Pa.R.J.A. No. 1952(B)(1)(2).

⁴ See Criminal Section Emergency Cancellation and Revised Scheduling Protocols and Emergency Order – Criminal Section, as Amended, dated June 5, 2020.

⁵ These additions to the immediate previous criminal section operational directives (June 5, 2020) begin on page nine (9) of the appended protocol and all such amendments for ease of reference are throughout underlined. See Criminal Section Emergency Cancellation and Revised Scheduling Protocols dated June 30, 2020. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q); *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); and May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”).

⁶ See Emergency Order – Criminal Section, as Amended, dated June 5, 2020.

⁷ See The Third Order Extending Emergency Cancellation of *In-Person* Formal Criminal Arraignments dated June 22, 2020.

Although duplicative, in an effort to make such more widely known among the bar and public generally, beyond the Third Order Extending Emergency Cancellation of *In-Person* Formal Criminal Arraignments, the emergency cancellation of *in-person* formal, criminal arraignments was also addressed by the Emergency Order – Criminal Section dated May 27, 2020, as well as Emergency Order – Criminal Section, as Amended, dated June 5, 2020. See Emergency Order – Criminal Section dated May 27, 2020-Attached Protocol, pp. 1, 9; Emergency Order – Criminal Section, as Amended, dated June 5, 2020-Attached Protocol, pp. 1, 9; and Third Order Extending Emergency Cancellation of *In-Person* Formal Criminal Arraignments dated June 22, 2020. With some *in-person* formal arraignments now once more resuming and to avoid any potential inconsistencies among the emergent orders, it is believed to be more prudent to vacate the past duplicitous order and disseminate to the bar and public this information through other and additional means.

⁸ See E.g. Attached Criminal Section Emergency Cancellation and Revised Scheduling Protocols dated June 30, 2020.

⁹ 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 EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED

PURPOSE

Recognizing that the Supreme Court of Pennsylvania has recently directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make best efforts in all other type matters to accomplish the administration of justice, subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,¹ this court in consultation with core systematic stakeholders has developed the below described plan as the first of what is anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,² while also being mindful of the necessity to once more provide with regularity for the timely the administration of justice.

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

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL criminal and civil jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **SUSPENDED**, until further notice.³

For **ALL** *in-person* proceedings of any type and regardless of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties, as well as counsel, will be permitted in the courtroom-hearing room and/or about the interior of the Delaware County courthouse-government center generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter and/or a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about the courthouse complex, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any party and/or witness will be permitted access to the Delaware County courthouse-

government center until further notice, unless he or she is as well a party to the proceeding and/or a witness.

The Delaware County courts (32nd judicial district) for purposes of ACT on the recommendation of the court IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility, Polycom. The use of other ACT's (E.g. Zoom – Microsoft Teams) may at the discretion of the presiding judge be permitted.

Victims-complainants having a right to be present in court for listings of their criminal case juvenile delinquency matters and/or protection from abuse actions may also attend all such schedulings. The complainant-victim may be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely notify the Delaware County Park Police through Superintendent Scott D. Mahoney (Ext. 5000) of any victim-complainant intending to attend *in-person* a criminal and/or juvenile delinquency listing, as well as who, if anyone, will then be accompanying that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the courthouse are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual accompanying him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the courthouse-government center complex.

Subject to the direction of the presiding judge otherwise, **ALL** witnesses on arriving in the vicinity of the courthouse **MUST** remain waiting in his or her vehicle until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse. On entering the courthouse the witness is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the courthouse, unless the presiding judge directs to the contrary.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through District Court Administrator Gerald C. Montella, Esquire (610 891-4557). (Should the level of 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. Social distancing in the courtroom because of the appreciable numbers present not possible), the District Court Administrator in collaboration the interested media will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477); however, 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 immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding judge via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477) to listen to the same at the Court Electronic Recording Office to the same.

ALL interested persons should plan to arrive at the courthouse approximately thirty (30) minutes prior to the listing's schedule start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the Park Police to prevent unnecessary loitering about the courthouse and/or courtrooms-hearing rooms.

ALL individuals entering the Delaware County courthouse-government complex **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Delaware County Park Police.⁴ Based on the outcome of this Coronavirus screening assessment, the involved Park Police Officer at his or her discretion may prohibit a person from entering the courthouse-county government complex. Park Police personnel will promptly make the presiding judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses. If a litigant and/or witness refused entry on health considerations cannot identify the judge before whom he or she is to then appear, contact is to be promptly made for such assistance with the Court Administrator's Office (Ext. 4550).

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be asked to remain outside the building and/or another location the Park Officer may direct pending the assigned judge's chambers providing a date for that accused to return and the defendant executing as well as being provided a copy of such a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering the courthouse-government center **MUST** otherwise be in **FULL COMPLIANCE** with **ANY** federal and/or state directives then in place to stem the Coronavirus spread, including but not limited to the proper wearing of a recommended mask.

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 the assigned or presiding judge's chambers that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact promptly the Court Administrator's Office – 610 891-4550.)

ANY litigant, lawyer, witness and/or other interested party having been past tested and/or diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead **PROMPTLY** notify **PRIOR TO THE LISTED DATE** the Court Administrative Office of the same (610 891-4550) and follow the directions that office then provides.

ANY litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT in lieu of *in-person* **MUST** notify the assigned and/or presiding judge ***no less than three (3) business days prior to the scheduled date*** to allow for those necessary arrangements to be made by the Legal Audio Visual Department. The involved judge will for now allow the same subject to applicable constitutional limitations, if any,⁵ or continue the listing to a future date should constitutional concerns dictate such and/or if he or she believes in the exercise of his or her discretion that the nature of the proceeding and individual requesting remote participation would otherwise be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of the factfinder to visually observe a witness only available to testify aurally by telephone.) Parties represented by a lawyer **MUST** first direct any such concerns about participating via some type of ACT to his or her counsel and witnesses similarly in the first instance are to initially bring these matters to the attention of the attorney subpoenaing his or her appearance these issues and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements subject to the presiding and/or assigned judge's approval.

In the event a self-represented litigant, lawyer, and/or other interested party does not know the assigned and/or presiding judge to whom a request to appear and participate via some manner of ACT should be submitted, such inquires consistent with the above three (3) business day advanced notification are to be directed to the Court Administrator's Office (610 891-4550).

ALL *in-person* listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention Coronavirus guidelines, as well as any other such federal and/or state directives, including but not limited to presently social distancing and/or the wearing of a mask.

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

The judges will provide in advance to the Delaware County Park Police through Superintendent Scott D. Mahoney a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST** provide the presiding judge with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. (The presiding judge most certainly may in his or her discretion direct counsel and/or the parties in whatever format he or she believes

best for such a witness list to be submitted (*E.g.* As part of a pre-trial statement) and/or instruct that the same be sent by a sooner date.) Chambers of the presiding judge will promptly forward to the Delaware County Park Police through Superintendent Scott D. Mahoney copies of **ALL** received witness lists.

Each section and/or division of the court will coordinate among those judges sitting on a given date start times staggered by at least thirty (30) minutes.

As is more fully described below, **ALL** *in-person* matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than ten (10).

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directives 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 a particular courtroom – hearing room to allow for any required social distancing. As may be necessary to assure compliance with that salient to such considerations this protocol details, court officers may temporarily prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties and/or witnesses to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* jury assembly room) then designated for overflow purposes by the District Court Administrator.

Should a court officer observe any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same must be promptly reported to the presiding judge and if such personnel are present in the courtroom – hearing room, deputy sheriffs, and/or park officers.

Should a court officer observe an interested party, lawyer and/or a witness outside of a courtroom – hearing room failing to comply with salient governmental directives, including but not limited to social distancing and/or the wearing of a mask, he or she must promptly report the same to the Delaware County Park Police (Ext. 5000), as well as the judge presiding over the matter involving that party, attorney and/or witness, and if in proximity, any deputy sheriff.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 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 and/or Delaware County Sheriff's Office. In the event a person for noncompliance with these safety measures is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding over the matter involving that party, lawyer and/or witness of the removal.

CRIMINAL SECTION

The nine (9) judge criminal section has been 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. Each team (A, B, C) during a given week will have one (1) available courtroom for its use Monday, Tuesday, Wednesday and Friday. (There will be no criminal court proceedings on Thursday, unless the president judge or criminal liaison then approve an emergency listing, to allow protection from abuse (“PFA”) hearings to be divided among a number of judges as is further detailed below in the family section narrative 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 out above listed that day (Wednesday); however, the criminal judges sitting any such week can instead list such matters Thursday.) Hence, on any day of a week no more than three (3) criminal judges will be contemporaneously in session, absent some emergent need sanctioned by the president judge or criminal liaison.

Attached and wholly incorporated by reference is an *interim*, criminal section master calendar detailing, *inter alia*, through June and July 2020 the specific three (3) criminal judges sitting weekly. For reasons such as vacations, the appended, *temporary* criminal section master calendar is subject to change with the judges among a given judicial team exchanging, in whole or part, the otherwise assigned courtroom weeks.

To maximize the use of the three (3), operational criminal courts, the judge listed to sit in a certain week will promptly notify the team’s other two (2) judges of any one half (1/2) or greater day period when he or she does not need the courtroom so as a colleague judge believes appropriate he or she may then list his or her case(s). If during a given week one (1) of the judicial criminal teams has no cause to utilize its courtroom for a one-half (1/2) day period or greater, the president judge and/or criminal liaison are to be promptly notified and will in turn make that courtroom available for that timeframe to a judge of another team. The criminal judges will be scheduled to sit in courtroom Nos. 1, 2 and 3. (Counsel and/or any other interested party should contact the chambers of the assigned judge to learn in a specific week what courtroom the judge will be sitting.)

Consistent with this judicial district’s (32nd) individual calendaring system, each criminal judge will be responsible for scheduling his or her assigned cases as he or she believes appropriate, along with providing the Commonwealth and defense notice of the same, excepting pretrial conference listings stemming from a defendant’s formal arraignment, which in accord with long-term protocols will be designated by the Criminal Court Administrator’s Office from those such dates the criminal judges have respectively provided that office.

Recognizing that the criminal judges will for now only be sitting four (4) days weekly and once every three (3) weeks, time sensitive listings, including but not limited to bail filings and/or

any other type hearings which may result in a defendants' discharge from prison (*E.g.* Time-served guilty pleas), although assigned to a judge may at the designated jurist's request and with the agreement of a judicial colleague be heard otherwise more timely by another judge on the designated court's judicial team.

There will for now be no *in-person* hearings involving inmates of any county, state and/or federal penal facility before the criminal courts, but rather **ALL** such listings where a defendant is for whatever the reasons incarcerated will be held through some available ACT means, assuming a defendant's agreement.⁶ **ANY** inmate of a county, state and/or federal correctional institution wanting to proceed with an *in-person* listing will have his or her matter continued for at least thirty (30) days with the hope that the currently ongoing public health crisis, particularly relative to those attendant concerns enveloping southeastern Pennsylvania, including but not limited to Delaware County, would have then sufficiently abated to safely allow for any such prisoner's custodial transportation and related *in-person* appearance before the court.⁷

While the criminal judges will continue with the individual calendaring of scheduling their assigned cases as respectively believed appropriate, each of the three (3) judicial teams has for now been assigned one (1) day each week where the entire list will be comprised of only ACT (advanced communication technology) hearings involving inmates from the county jail and/or state correctional institutions. The teams' video hearing list days are as follows: Team A (Judges Bradley, Brennan and Amoroso) – Monday; Team B (Judges Green, Capuzzi and Cappelli) – Tuesday; and Team C (Judges Pagano, Scanlon and Pileggi) – Fridays. These recurring video list hearing days may in a certain week differ from the usual Monday, Tuesday, Friday schedulings because of holiday closures with any such changes noted on the appended temporary, criminal section calendar. (On the attached interim criminal section master calendar these video hearing list days are referenced as "V.")

Each judicial criminal team's video hearing list (Mondays-Team A – Judges Bradley, Brennan and Amoroso; Tuesdays-Team B – Judges Green, Capuzzi and Cappelli; and Fridays-Team C – Judges Pagano, Scanlon and Pileggi) will begin at 9:00 a.m., unless an individual judge directs to the contrary.

Although unlike the *in-person* hearing lists further described below, there is no *per se* hourly cap on the number of matters comprising a video list, it is expected that each criminal judge when crafting his or her video day list will as a function of all salient considerations structure the same to as reasonably needed allow for social distancing and/or all other governmental recommended directives aimed at mitigating the COVID-19 spread, including but not limited to specific time slot schedulings.

On **ANY** day the judicial criminal teams have *in-person* schedulings for those defendants at liberty on bail and/or otherwise in the community, the teams will have the following staggered start times: 8:30 a.m. – Team B (Judges Green, Capuzzi and Cappelli); 9:15 a.m. – Team A (Judges Bradley, Brennan and Amoroso); and 10:00 a.m. – Team C (Judges Pagano, Scanlon and Pileggi).

In addition to the above-described staggered commencement times of each judicial group (A, B, and C), there is for now a limit of ten (10) *in-person* per hour listings with a daily cap of sixty (6) such defendants. The presiding judge may at his or her discretion schedule a lesser number of *in-person* matters each hour and/or a daily total of *in-person* cases less than sixty (60) as may be reasonably needed in light of a given matter's nature and/or expected duration to continually maintain the space within the courtroom and the hallway areas immediately adjacent necessary for social distancing and/or those other COVID-19 mitigation spread instructions then in place by the state and/or federal government. (*E.g.* An open guilty plea with an immediate following sentencing imposition where it is expected both the defense and prosecution will offer numerous witnesses may be the only case during a given hour scheduled with no other matters listed for that day subsequent.

As the assigned criminal judge believes appropriate contested evidentiary hearings will once more be scheduled, including but not limited to suppression hearings and/or even non-jury trials. **ALL** these listings (*I.e.* Disputed evidentiary matters) for now will be just those such cases reasonably expected to be concluded within an approximate day. These contested evidentiary schedulings may be conducted as the designated judge believes proper through both some manner of ACT and *in-person*. (*E.g.* An inmate accused appearing and participating via video conferencing while the Commonwealth's attorney, defense counsel and any witnesses are *in-person* before the presiding judge.)

Arrangements have been made for prisoners appearing and participating for purposes of a contested evidentiary hearings via ACT to contemporaneously be in contact with counsel as needed through a separate, nonrecorded line within the video room of the George W. Hill Correctional Facility. The specific details necessary to effectuating this contemporaneous and private avenue of communication between defendants and their lawyers can be obtained from Legal Audio Visual Director, Donna A. Reason (610 891-4577).⁸

While for systematic reasons the video list schedule detailed above must be followed (Team A – Monday; Team B-Tuesdays; and Team C – Fridays) and another day each week dedicated to an *in-person* list per that described above (*E.g.* No more than ten (10) defendants per hour scheduled with a daily aggregate of not to exceed sixty (60)), the criminal judges as each believes appropriate may on those other days during the week he or she is sitting schedule a mix of *in-person* listings and video proceedings; however, **ALL** such video listings must be coordinated **IN ADVANCE** through Legal Audio Visual (Ext. 4577) to assure the prison is able to accommodate the request and the same does not conflict with another type of already scheduled ACT list such as preliminary hearings and there are no more than five (5) defendants then set each hour with no interspersing within a given hour of *unrelated* video conferencing and *in-person* matters.

Hearings pursuant to Pa.R.Crim.P. 150 and “Fast track” Guilty Pleas will for now continue to be listed every Monday, Wednesday and Friday with the following start times: Mondays – 1:45 p.m.; Wednesday – 9:30 a.m.; and Friday – 9:30 a.m. The three (3) judges from the judicial teams

(A, B and C) sitting in a certain week will each preside over one (1) of the weekly Rule 150 – “Fast Track” Guilty Plea video lists as further detailed by the appended *interim*, criminal section master calendar and as noted by a “GP-BW.”

Accelerated Rehabilitative Disposition (“ARD”) admissions will not for now be held monthly in large group numbers. Rather, each week the Office of the Delaware County District Attorney will forward to the Delaware County Criminal Court Administrator a list of those accused it for the ARD program has found to be proper candidates. The Office of the Criminal Court Administrator will promptly notify any assigned judge that those matters 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 assigned judge will then schedule these pre-approved ARD cases as part of his or her regular recurring lists.

It is 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 any such listings. **ALL** payments necessary to ARD admission can be made in advance through Court Financial Services which for now can be sent via mail as follows: Court Financial Services – 201 West Front Street, Media, PA 19063. ***Mailed payments are limited to a check or money order. DO NOT MAIL CASH.*** 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. These *in-person* payments may be by cash, check, money order 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 subsequent undergo an intake meeting with the adult probation and parole office staff. This intake processing will temporarily take place in courtroom No. six (6) with at liberty defendants escorted to the same by court officers. (Because currently there will be no custodial transportation of prisoners for *in-person* appearances, sheriff deputies will have no need to direct inmates regarding dispositional processing to courtroom No. six (6).

Regarding **ALL** cases past listed for *in-person* formal, criminal arraignments before the Delaware County Court of Common Pleas and previously canceled by such emergent orders of the president judge,⁹ the Office of the Criminal Court Administrator **SHALL** relist every such matter beginning Tuesday, July 21, 2020, and over the next two (2) Tuesdays subsequent (July 28, 2020 and August 4, 2020) allowing all those previously canceled cases to have then proceeded to formal arraignments.

On these Tuesdays (July 21, July 28, and August 4, 2020), individual formal, *in-person* arraignments are to be scheduled by the Criminal Court Administrator’s Office at the rate of no more than fifteen (15) defendants per hour beginning at 9:00 a.m., continuing through 12:30 p.m., and resuming again at 1:30 p.m. with 3:30 p.m. being the final such schedulings.

The Office of the Criminal Court Administrator **MUST** provide **ALL** defendants, as well as any of-record counsel, at least two (2) weeks advanced, written notice of these formal arraignment reschedulings.

The Criminal Court Administrator's Office will relative to any of these relisted formal arraignments accept an otherwise properly completed waiver of arraignment packet through and including the Thursday immediately preceding the relisted date. (E.g. Waivers for any formal arraignments listed on July 21, 2020, accepted through July 16, 2020.)

Other than that directed above, **ALL** in-person formal, criminal arraignments before the Delaware County Court of Common Pleas yet remain **CANCELED**.¹⁰ The Office of the Delaware County Criminal Administrator will **CONTINUE** to conduct weekly video conferencing formal arraignments of those defendants incarcerated consistent with that office's material protocols and/or any such applicable local rules.¹¹ The Delaware County Criminal Court Administrator's Office will **CONTINUE** to accept and process in accord with that office's such salient protocols and/or applicable local rules written waivers of arraignment proffered by counsel on behalf of his or her clients.¹² **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 and related safety benefits in this yet ongoing public health crisis of not having to appear for such purposes *in-person* at some future date.

¹ See Order dated April 28, 2020, p. 2 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

² See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ See Order dated April 28, 2020, p. 9 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q). (This court under a separate emergency orders of May 27, 2020, extended the cancelation of civil and criminal trials from that date (May 27, 2020) through and including July 31, 2020. See Emergency Jury Trial Cancelation Order dated March 18, 2020, and Emergency Jury Trial Cancelations Extension Order dated April 2, 2020; Emergency Jury Trial Cancelations Order dated April 28, 2020; Emergency Order – Criminal Section dated May 27, 2020-Attached Protocol, p. 1; and Third Emergency Order Extension – Civil Section dated May 27, 2020-Attached Protocol, p. 1.)

⁴ Although more specific to whether an employee will be permitted into the courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police will utilize for ALL individuals attempting to enter the county courthouse-government center.

⁵ See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

⁶ See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 – “Infections greater at Delco jail – Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”

⁷ See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(a)(d)(h)(k)(q). See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); and May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”).

⁸ While efforts are currently ongoing to arrange for a manner of ACT (advanced communication technology) allowing participants to withdraw from a group discussion to have any needed private conversations and then timely rejoin the collective event, the same has yet to be effectuated. As this project progresses and a more definitive timeline is hopefully in the very near future developed, such information will be shared and otherwise made known.

⁹ See Emergency Criminal Arraignment Cancelations Order dated March 18, 2020; Order Extending Criminal Arraignment Emergency Cancelations dated April 3, 2020; Second Order Extending Criminal Arraignment Emergency Cancelations dated April 28, 2020; and Third Order Extending Criminal Arraignment Emergency Cancelations dated June 22, 2020. Although duplicative, in an effort to make such more widely known among the bar and public generally, the emergency cancelation of *in-person* formal, criminal arraignments before the trial court was also directed under the Emergency Order – Criminal Section dated May 27, 2020, as well as the Emergency Order – Criminal Section, as Amended, dated June 5, 2020. See Emergency Order – Criminal Section dated May 27, 2020-Attached Protocol, p. 9; and Emergency Order – Criminal Section, as Amended, dated June 5, 2020-Attached Protocol, p. 9.

With some *in-person* formal arraignments once more resuming and to avoid any potential inconsistencies among the emergent orders, it is believed to be more prudent to now vacate the past duplicitous and single subject matter order (June 22, 2020) and disseminate to the bar and public this information through other and additional means. See Third Order Extending Criminal Arraignment Emergency Cancelations dated June 22, 2020. The instant directs the same.

The following formal arraignment lists were canceled through a combination of the emergent orders referenced immediately above: March 18, 2020; March 25, 2020; April 1, 2020; and April 8, 2020.

¹⁰ See Order dated April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

¹¹ See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

¹² See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Purpose: This guide has been developed to support the screening of **essential employees** to assess need to self-isolate and work remotely. Non-essential employees are encouraged to work remotely, until further notice.

Procedure:

1. *Assess Current Symptoms upon arrival:*

- Take temperature with temporal or forehead touchless thermometer
- Are you taking any medication to treat or suppress a fever? Yes/No
- Are you currently experiencing any of the following symptoms?

Column A 1 or more symptoms	Column B 2 or more symptoms
Fever (99.5°F or higher ¹)	Lack of smell or taste (without congestion)
Cough	Sore throat
Shortness of breath	Chills
Difficulty breathing	Muscle pain
	Headache

"Has Symptoms" is defined as having 1 or more symptom(s) in Column A
OR 2 or more symptoms in Column B
OR Yes to medication to suppress a fever.

2. *Provide Guidance (Table 1):*

Status	Employer Recommendation	Guidance for Essential Employee
No Symptoms	Symptom and temperature check daily upon arrival	<ol style="list-style-type: none">1. Employee self-monitor for symptoms.2. Wear a face mask at all times.3. Practice social distancing in the work-place and do not congregate in common areas.4. Go home immediately if they become sick.5. Do not share headsets or objects used near face.
Has Symptoms	Self-Isolate at home	<ol style="list-style-type: none">1. Notify supervisor.2. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met.
Positive Test Result	Self-isolate at home	<ol style="list-style-type: none">1. Notify supervisor.2. Follow the "COVID-19 Positive Test Result or Exposure" guidance.3. Remain home and self-isolate until "COVID-19 Return to Work Guidance" is met.

¹ Taken with temporal thermometer



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

COVID-19 Exposure or Positive Test Result:

To ensure continuity of operations of essential functions, the Centers for Disease Control (CDC) advises that essential employees and healthcare personnel may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions listed in Table 1 are implemented to protect them and the community.

Individuals are notified by their physician or the Health Department about test results for COVID-19. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *COVID-19 Return to Work Guidance* is met.

Test results would include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (*see below*).
- Detection of specific antigen in a clinical specimen
 - Individuals should follow the guidance in Table 1 and "Instructions for Individuals Tested for COVID-19" (*see below*).
- Detection of IGM antibody in serum, plasma, or whole blood indicative of a new or recent infection
 - Individuals should follow the guidance in Table 1 and "Testing for COVID-19 Antibodies" (*see below*).

Note: If an individual is asymptomatic or has very mild symptoms, they will not be tested. Individuals are encouraged to follow the self-monitoring and quarantine guidance and call their primary care physician if symptoms worsen.

If an employee tests positive for COVID-19, the building does not need to be evacuated. An employer may choose to voluntarily close to perform a deep cleaning out of an abundance of caution (see "Cleaning and Hygiene" button at www.chesco.org/coronavirus).



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Temperature Assessment:

The temperature considered a fever differs based on how temperature is taken.

Mode	Temperature for fever
Walk through scanner	97.5°F or higher
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

COVID-19 Return to Work Guidance:

Essential employees may discontinue home isolation and return to work under the following conditions:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication.
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** At least 7 days have passed since symptoms first appeared.

Essential employees and healthcare personnel (HCP) with symptoms under home isolation **MUST** be excluded from work until:

- At least 3 days (72 hours) have passed since your fever went away without the use of fever-reducing medication
- **AND** improvement in respiratory symptoms (e.g., cough, shortness of breath)
- **AND** at least 7 days have passed since symptoms first appeared.

After returning to work, essential employees and HCP should:

- Wear a facemask at all times while at work until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer.
- Be restricted from contact with severely immunocompromised individuals/patients (e.g., transplant, hematology-oncology) until 14 days after illness onset.
- Adhere to hand hygiene, respiratory hygiene, and cough etiquette (e.g., cover nose and mouth when coughing or sneezing, dispose of tissues in waste receptacles).
- Self-monitor for symptoms. Seek immediate re-evaluation from occupational health/primary care provider and do not work if symptoms recur or worsen.



Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020

Screening Procedure

Everyone entering a County building must complete screening, staff and visitors. The screening tool will assess potential symptoms and provide guidance to "GO" or "STOP" as shown below.

Step 1: Individuals entering the building should use the camera feature on their smart phone to scan the posted QR code and fill in the survey questions.

Note: if individuals do not have a phone, security staff should access the survey on a designated laptop or device to ask the question verbally and complete the screening assessment.

Step 2: Complete temperature screening of individual and tell person whether they have a fever based on temperature cutoffs:

Mode	Temperature for fever
Walk through scanner	98°F or higher
Axillary and temporal	99.5°F or higher

Step 3: Submit survey and receive "GO" or "STOP" guidance.

If GO: Show to security and continue into building

If STOP: Leave the building, return to car. Employees must call HR to notify them and receive additional instructions, prior to leaving.

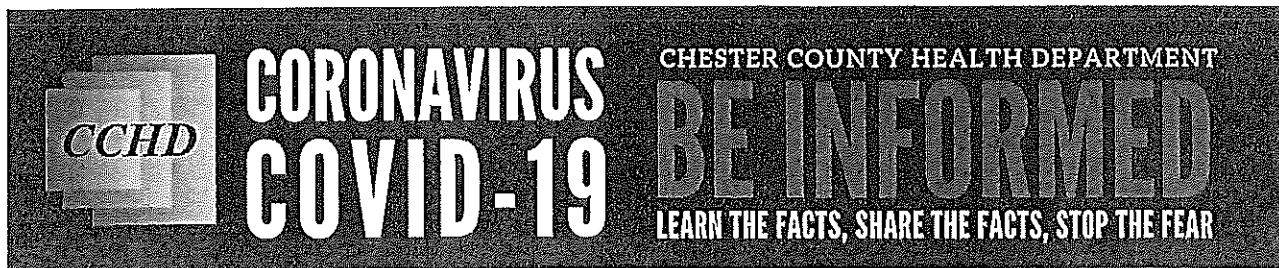


Chester County Health Department

Coronavirus COVID-19

Workforce Screening

Updated: April 22, 2020



INSTRUCTIONS FOR INDIVIDUALS TESTED FOR COVID-19

Note: This guidance is not for antibody or serology testing.

TEST RESULTS

Contact the physician who ordered the test for results.

Do not call the Health Department for your results.

Results are typically available within 7 days of testing, but may be delayed at times depending on testing volume and the laboratory used.

WHILE YOU WAIT FOR YOUR RESULTS



Self-isolate to your home.



Others who live in your home should also stay home.



If you live with others, self-isolate in a private room and use a separate bathroom, if possible.



Wear a mask when you enter general living areas.



If your symptoms worsen, call your healthcare provider.



Make a list of close contacts - within 6 feet for more than 10 minutes - you have from two days before you became sick until you began self-isolating.

WHAT TO DO IF YOU TEST POSITIVE



Notify your close contacts and let them know to quarantine at home for 14 days.



If your symptoms worsen or you require hospitalization, notify your healthcare provider immediately.



Continue to self-isolate at home until you have recovered:



72 HOURS
NO Fever
without medicine



Other
Symptoms
have improved



7 DAYS
since
Symptoms began

WHAT TO DO IF YOU TEST NEGATIVE



If you had a known exposure to someone with COVID-19, continue to quarantine for 14 days after your exposure.



If you did not have a known exposure to someone with COVID-19 and do not have symptoms, you can stop your quarantine.



If you did not have a known exposure to someone with COVID-19 and have symptoms, you may have another illness. Stay home until 3 days after your last day of your symptoms.

For more information visit:

Chester County Health Department

www.chesco.org/coronavirus

INTERIM CRIMINAL CALENDAR 2020

June

	M	T	W	T	F	M	T	W	T	F
	1	2	3	4	5	8	9	10	11	12
<i>Liaison Judge Bradley</i>	V		O		O	V	O		O	O
<i>Judge Pagano</i>	TR		TR		V GP-BW	O	O		O	V
<i>Judge Brennan</i>	V		O		O	V	TR		TR	TR
<i>Judge Green</i>	O		O		O	O	V		O	O
<i>Judge Capuzzi</i>	O		O		O	TR	V		TR	TR GP-BW
<i>Judge Cappelli</i>	TR		TR GP-BW		TR	O	V		O	O
<i>Judge Scanlon</i>	O		O		V	O	O		O	V
<i>Judge Amoroso</i>	V GP-BW		TR		TR	V	O		O	O
<i>Judge Pileggi</i>	O		O		V	TR GP-BW	TR		TR	V
SPECIAL COURTS										
<i>P. Judge Kelly</i>				DC			DC		DC	
<i>S. Judge Osborne</i>				MHC			VC		MHC	

GP-BW = Rule 150 - Fast Track Guilty Plea Video List

V = Video Hearing List Days

TR = Non-Jury Trials & Hearings

DC = Drug Court

MHC = Mental Health Court

VC = Veterans Court

O = Office

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.

S. Judge Mallon will assist as needed.

June

	1	2	3	4	5	8	9	10	11	12
VIDEO TEAM	A				C	A	B			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

INTERIM CRIMINAL CALENDAR 2020

June

	M	T	W	T	F	M	T	W	T	F
	15	16	17	18	19	22	23	24	25	26
<i>Liaison Judge Bradley</i>	V GP-BW	TR	TR		TR	V	O	O		O
<i>Judge Pagano</i>	O	O	O		V	TR GP-BW	TR	TR		V
<i>Judge Brennan</i>	V	O	O		O	V	O	O		O
<i>Judge Green</i>	TR	TR	V GP-BW		TR	O	O	V		O
<i>Judge Capuzzi</i>	O	O	V		O	O	O	V		O
<i>Judge Cappelli</i>	O	O	V		O	TR	TR	V GP-BW		TR
<i>Judge Scanlon</i>	TR	TR	TR		V GP-BW	O	O	O		V
<i>Judge Amoroso</i>	V	O	O		O	V	TR	TR		TR GP-BW
<i>Judge Pileggi</i>	O	O	O		V	O	O	O		V
SPECIAL COURTS										
<i>P. Judge Kelly</i>		DC		DC			DC		DC	
<i>S. Judge Osborne</i>		VC		MHC			VC		MHC	

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June

	M	T	W	T	F	M	T	W	T	F
	15	16	17	18	19	22	23	24	25	26
VIDEO TEAM	A	B			C	A	B			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

INTERIM CRIMINAL CALENDAR 2020

June/July

	M	T	W	T	F	M	T	W	T	F
	29	30	1	2	3	6	7	8	9	10
<i>Liaison Judge Bradley</i>	V	O	O	O	X	V	TR	TR GP-BW	X	TR
<i>Judge Pagano</i>	O	O	O	O	X	O	O	O	X	V
<i>Judge Brennan</i>	V GP-BW	TR	TR	TR	X	V	O	O	X	O
<i>Judge Green</i>	O	V	O	O	X	TR	V	TR	X	TR GP-BW
<i>Judge Capuzzi</i>	TR	V	TR GP-BW	TR	X	O	V	O	X	O
<i>Judge Cappelli</i>	O	V	O	O	X	O	V	O	X	O
<i>Judge Scanlon</i>	O	O	O	O	X	TR GP-BW	TR	TR	X	V
<i>Judge Amoroso</i>	V	O	O	O	X	V	O	O	X	O
<i>Judge Pileggi</i>	TR	TR	TR	TR GP-BW	X	O	O	O	X	V
SPECIAL COURTS										
<i>P. Judge Kelly</i>		DC		DC	X		DC		DC	
<i>S. Judge Osborne</i>		VC		MHC	X		VC		MHC	

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June/July

	M	T	W	T	F	M	T	W	T	F
	29	30	1	2	3	6	7	8	9	10
VIDEO TEAM	A	B			X	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

INTERIM CRIMINAL CALENDAR 2020

July

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
<i>Judge Bradley</i>	V	O	O		O	V	O	O		O	V GP-BW	TR	TR		TR
<i>Judge Pagano</i>	TR	TR	TR GP-BW		V	O	O	O		V	O	O	O		V
<i>Judge Brennan</i>	V	O	O		O	V	TR	TR		TR GP-BW	V	O	O		O
<i>Judge Green</i>	O	V	O		O	O	V	O		O	TR	V	TR		TR GP-BW
<i>Judge Capuzzi</i>	O	V	O		O	TR	V	TR GP-BW		TR	O	V	O		O
<i>Judge Cappelli</i>	TR GP-BW	V	TR		TR	O	V	O		O	O	V	O		O
<i>Judge Scanlon</i>	O	O	O		V	O	O	O		V	TR	TR	TR GP-BW		V
<i>Judge Amoroso</i>	V	TR	TR		TR GP-BW	V	O	O		O	V	O	O		O
<i>Judge Pileggi</i>	O	O	O		V	TR GP-BW	TR	TR		V	O	O	O		V

SPECIAL COURTS

<i>Judge Kelly</i>		DC		DC			DC		DC			DC		DC	
<i>Judge Osborne</i>		VC		MHC			VC		MHC			VC		MHC	

P-BW = Rule 150 - Fast Track Guilty Plea Video List V = Video Hearing List Days TR = Non-Jury Trials & Hearings DC = Drug Court
 HC = Mental Health Court VC = Veterans Court O = Office

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July

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
VIDEO TEAM	A	B			C	A	B			C	A	B			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