

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020
:
Re-Parole Review and Possible :
*Release Extended*¹ : DELAWARE COUNTY NO. 5120-17

**THIRD ORDER ALLOWING FOR THE EXTENSION OF *RE*-PAROLE REVIEW
AND SUCH POSSIBLE RELEASE**

AND NOW, this 28th day of May, 2020, this court having 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,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 criminal liaison judge as well as on the continuing agreement of the Delaware County District Attorney's Office that **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 30, 2020**, salient personnel of the Delaware County Adult Probation and Parole Office **SHALL** review those cases of defendants currently serving at the George W. Hill Correctional Facility Gagnon II sentences of back-time, total confinement imposed by the Delaware County Court of Common Pleas and make a recommendation to the court consistent with assuring adequate community protection, victim interests recognition, offender accountability, and an individual defendant's rehabilitative needs whether a *re*-parole release under the following schedules would be appropriate.³

For those defendants serving a one hundred twenty (120) day or less total confinement back-time term, the *re*-parole date would be seven (7) days prior to the otherwise applicable release date.

As to those back-time sentences of total confinement greater than one hundred twenty (120) days, but less than two hundred forty (240) days, the *re*-parole date would be fourteen (14) days before the otherwise applicable release date.

Regarding those back-time sentences of total confinement greater than two hundred forty (240) days, the *re*-parole date would be twenty-one (21) days prior to the otherwise applicable release date.

Salient staff of the George W. Hill Correctional Facility **SHALL** as may be necessary **TIMELY** and **FULLY COOPERATE** with involved Delaware County Adult Probation and Parole Office personnel in providing any information relevant to that court agency's *re*-parole release determinations and resultant recommendations.

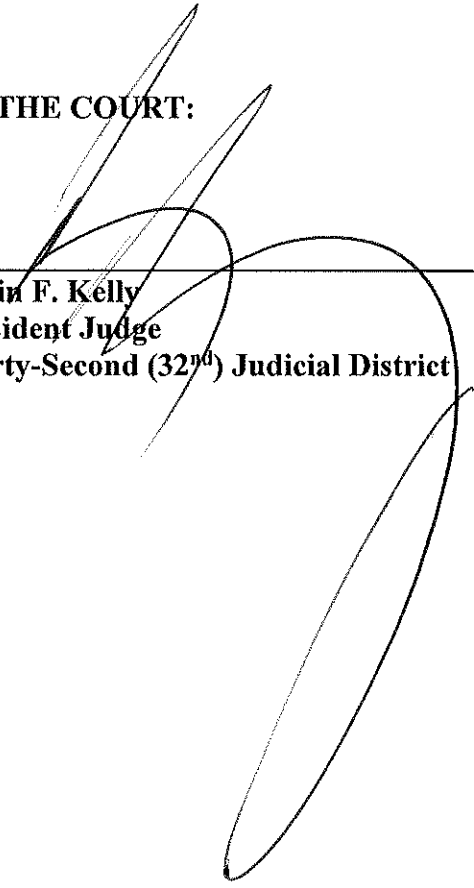
Should the Office of Delaware County Adult Probation and Parole find on its review that a given defendant appears appropriate for the above-described *re*-parole release, then such a written recommendation is to be **PROMPTLY** provided to this court, along with a proposed *re*-parole order in accord with the above-detailed schedule and substantially formatted as that attached.⁴

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).⁵

BY THE COURT:



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

¹ See Emergency Re-Parole Review Order dated March 26, 2020; Order Extending Emergency Re-Parole Review dated April 7, 2020; and Second Order Extending Re-Parole Review dated April 28, 2020.

² See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; 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.

³ See Pa.R.J.A. No. 1952(B)(2)(h)(k)(q). See also *Petition of the Pennsylvania Prison Society ...*, Pennsylvania Supreme Court No. 70 MM 2020 – Order dated April 3, 2020; and *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.”

⁴ See Proposed Early Re-Parole Order. A copy of this suggested order is attached and wholly incorporated by such reference.

⁵ See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; and May 27, 2020, p. 2, Fn. 1 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA	:	No. _____
	:	
v.	:	
	:	
	:	
	:	
	:	
_____	:	

ORDER ALLOWING RE-PAROLE

AND NOW, this _____ day of _____, 2020, a judicial emergency having been declared in the thirty-second (32nd) judicial district (Delaware County) and more recently that emergent declaration again extended pursuant to such an order of the Pennsylvania Supreme Court authorizing the same, as well as Pa.R.J.A. No. 1952(B)(1)(2), and the president judge having used those resultant authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s) to previously enter an emergency order establishing a *re-parole* review process for defendants serving Gagnon II back-time sentences of total confinement consistent with assuring community protection, victim interests recognition, offender accountability, and an individual defendant's rehabilitative needs through the Delaware County Adult Probation and Parole Office, and the president judge by a subsequent emergent order having extended that review process and such possible releases, it is hereby **ORDERED** and **DECREED** that on such a recommendation of the Office of Adult Probation and Parole the above-named Defendant **SHALL** be *re-paroled* _____ days prior to his or her otherwise applicable release and/or maximum date.

BY THE COURT: