

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32<sup>nd</sup> JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020  
:   
*Postponement of Weekend-Partial* :   
*Confinement Sentencing Terms* :   
*Extended*<sup>1</sup> : DELAWARE COUNTY NO. 5120-17

**THIRD ORDER EXTENDING EMERGENCY POSTPONEMENT OF WEEKEND-PARTIAL CONFINEMENT TERMS AT THE GEORGE W. HILL CORRECTIONAL FACILITY**

AND NOW, this 28<sup>th</sup> day of May, 2020, this court having previously declared in the 32<sup>nd</sup> 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,<sup>2</sup> 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 continued agreement of the Delaware County District Attorney's Office that **EFFECTIVE IMMEDIATELY** and continuing through and including **JUNE 30, 2020**, **ALL** sentencing terms of weekend imprisonment and/or partial confinement otherwise being served at the George W. Hill Correctional Facility **SHALL** be **POSTPONED** as follows:<sup>3</sup>

ANY defendant presently serving at the county jail (George W. Hill Correctional Facility) a sentence of weekend confinement and/or partial incarceration otherwise **SHALL** report as currently scheduled; however, on next appearing at the George W. Hill Correctional Facility **ALL** such defendants **SHALL NOT** be admitted, but rather given written notice consistent with his or her sentencing terms and/or conditions of a future date certain on which he

or she must once again report to the county jail (George W. Hill Correctional Facility) to resume serving the partial confinement sentencing condition. The date and time George W. Hill Correctional Facility officials provide defendants to resume reporting at the county jail (George W. Hill Correctional Facility) for purposes of continuing their weekend – partial confinement sentences **SHALL** be consistent by day of the week and time as such is detailed by the controlling certificate of imposition of judgment of sentence<sup>4</sup> and no more than sixty (60) days subsequent from this order's date.

Salient personnel of the George W. Hill Correctional Facility **SHALL** sufficiently memorialize the notice afforded **ALL** defendants about when he or she is to resume a weekend and/or partial confinement sentence otherwise, including but not limited to such notification being signed by the defendant, as well as an identifiable prison staff member, with a copy of the same provided to **ANY** defendant so in the event a given defendant does not once more appear as that notice directs, then a bench warrant may properly issue.

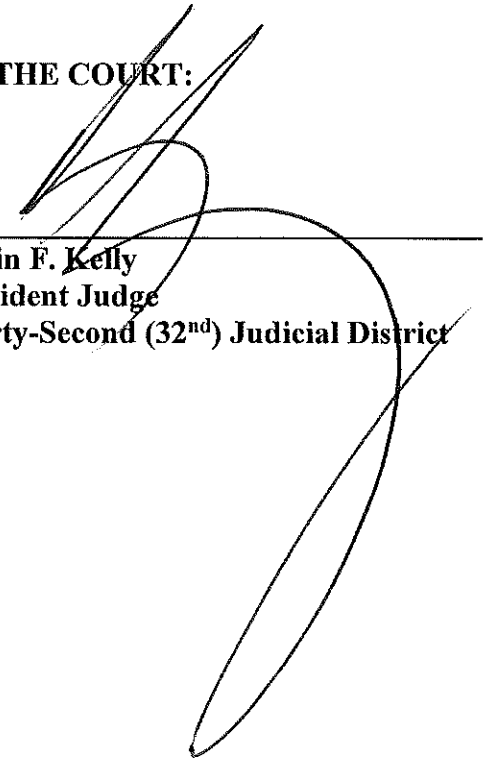
The postponement directed above of defendants reporting to the George W. Hill Correctional Facility for purposes of serving weekend – partial incarceration sentencing terms **SHALL NOT** reduce the number of such days any defendant must serve, but rather just temporarily delay when a defendant for such purposes is to report to the county jail (George W. Hill Correctional Facility).

Except to the extent ordered above, **ALL** other terms and/or conditions of a defendant serving a weekend sentence of confinement and/or partial incarceration otherwise **SHALL REMAIN** in full force and effect, including but not limited to reporting as required to the Delaware County Adult Probation and Parole Office.

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).<sup>5</sup>

**BY THE COURT:**



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

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<sup>1</sup> See Emergency Order Postponing Partial Confinement dated March 18, 2020; Order Extending Emergency Postponement of Partial Confinement dated April 7, 2020; and Second Order Extending Emergency Postponement of Partial Confinement dated April 28, 2020.

<sup>2</sup> 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.

<sup>3</sup> See Pa.R.J.A. No. 1952(B)(2)(d)(h)(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.”

<sup>4</sup> Generally, defendants may report for purposes of partial confinement sentences to the George W. Hill Correctional Facility on any day of the week, although there are daily reporting times which are to be followed, absent judicial direction to the contrary.

Recognizing that the vast majority of sentences flow from negotiated guilty pleas and wanting to the extent possible during this public health crisis to yet realize the sentencing judges’ intentions and the interested parties agreements, county jail personnel in providing defendants written notice of when next to report to the facility **SHALL** use the same day of the week and time the controlling certificate of imposition of judgment of sentence directs.

<sup>5</sup> 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.