

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: CRIMINAL SECTION : NO. MD 1545-17
: :
: :
Early Probation Termination Review and :
Possible Case Closure :

PRESIDENT JUDGE ADMINISTRATIVE ORDER

AND NOW, this 12th day of August, 2021, resulting from consultation with core systematic stakeholders and on the agreement of the Delaware County District Attorney's Office is it hereby **ORDERED** and **DECREED** as follows:

EFFECTIVE IMMEDIATELY, salient personnel of the Delaware County Adult Probation and Parole Office **SHALL** review regularly those cases of defendants sentenced by the Delaware County Court of Common Pleas in the aggregate to a one (1) or more year probationary and/or probation with the restrictive conditions term¹ stemming *only* from the below listed convictions **AND** who have served at least one-half (1/2) of any such sentence(s):²

Possession of Controlled Substance³ – First offense.

Possession of Drug Paraphernalia⁴ – Whether as the sole conviction or in combination with a first offense possession of a controlled substance⁵ sentence.

Misdemeanor Related Theft⁶ – Whether as the sole conviction or in combination with a first offense possession of a controlled substance⁷ sentence.

Possession of a Controlled Substance⁸ – Second offense with no other type charge convictions – sentence(s).

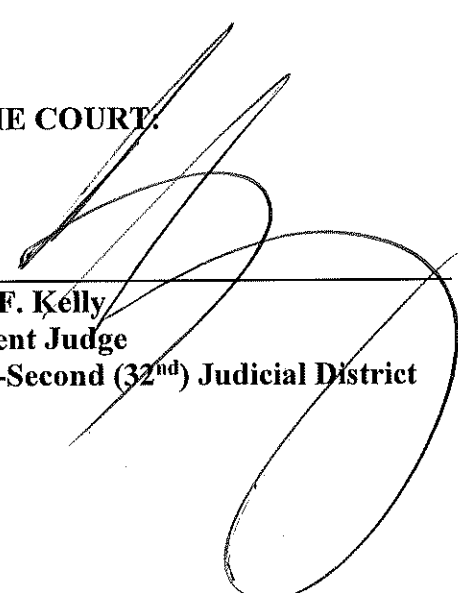
The Delaware County Office of Adult Probation and Parole on considering these case types detailed above are to make a recommendation to the court consistent with assuring adequate community protection, victim interests recognition, offender accountability and an individual defendant's rehabilitative needs whether an early termination of probationary oversight would be appropriate.

Should on such an assessment the Office of Delaware County Adult Probation and Parole believe in accord with that set forth above the early termination of a given defendant's probation to be appropriate probation-parole personnel **MUST** timely notify through mutually agreed communication avenues the involved staff of the Delaware County District Attorney's Office.

If on its review the material personnel of Delaware County District Attorney's Office concur with that recommended by the Office of Delaware County Adult Probation and Parole, the Commonwealth is to notify the defendant's of-record lawyer and assuming the defense and prosecution reach a resultant agreement, file and forward to the court for its consideration a stipulation regarding the same,⁹ as well as a proposed order.¹⁰

That directed above and dependent as subsequent, material circumstances warrant and/or it otherwise believes appropriate may be revisited by the court and modified, in whole or in part.

BY THE COURT:



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

¹ Presently, the early termination of the probation review program *does not* include “split” sentences of a total confinement term followed by a probationary period and/or a sentence of total imprisonment with consecutive probationary oversight, whether such results from multiple counts in a single case and/or an aggregate sentence grounded on two (2) or more separate matters.

² While the early probation termination review program is presently limited to just certain type offense convictions, it is envisioned that at least on an annual basis the same will be reviewed to determine, *inter alia*, whether additional conviction types should be included and if so, this order will be amended to reflect the same.

³ 35 Pa.C.S. §780-113(a)(16).

⁴ 35 Pa.C.S. §780-113(32).

⁵ 35 Pa.C.S. §780-113(a)(16).

⁶ 18 Pa.C.S. §3901 *et seq.*

⁷ 35 Pa.C.S. §780-113(a)(16).

⁸ 35 Pa.C.S. §780-113(a)(16).

⁹ These stipulations should be substantially formatted as is attached.

¹⁰ The suggested orders should be substantially formatted as is attached.

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

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

STIPULATION TO TERMINATE PROBATION

AND NOW, this _____ day of _____, 202_____,
upon consideration of the Delaware County Adult Probation and Parole Office's Application to
Terminate Court Supervision, it is hereby **STIPULATED** by and between the Delaware County
District Attorney's Office and defense counsel that the above-named Defendant's probationary
supervision may terminate and the above-captioned matter formally closed, **EFFECTIVE**
IMMEDIATELY.

Delaware County District Attorney's Office

Attorney for Defendant

DATE: _____

DATE: _____

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

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

ORDER ALLOWING TERMINATION OF PROBATION

AND NOW, this _____ day of _____, 20_____,
upon considering such an application of the Delaware County Adult Probation and Parole Office,¹
including but not limited to its recommendation that the same is consistent with assuring adequate
community protection, victim interests recognition, offender accountability, and individual
rehabilitative needs, as well as the related stipulation of the Delaware County District Attorney's
Office and defense counsel, it is hereby **ORDERED** and **DECREED** that the above-named
Defendant's probationary supervision is terminated and the above-captioned matter formally
closed, **EFFECTIVE IMMEDIATELY**.

BY THE COURT:

J.

¹ See President Judge Administrative Order, No. MD 1545-17, dated August 12, 2021.