

LOCAL RULES

of the

COURT OF COMMON PLEAS OF MERCER COUNTY, 35th JUDICIAL DISTRICT

(updated January 2025)

Supplementing the

Rules of Criminal Procedure

Promulgated by the

Supreme Court of Pennsylvania

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LOCAL RULES

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**COVERAGE: ISSUING WARRANTS;
PRELIMINARY ARRAIGNMENTS
AND SUMMARY TRIALS;
AND SETTING AND ACCEPTING BAIL.**

A. Pursuant to Pennsylvania Rule of Criminal Procedure 117 (B)(2), and Rule 132 (1), the President Judge of the Thirty-fifth Judicial District shall, by Court Order, issue annually an Order for Temporary Assignment of Issuing Authority for the upcoming calendar year. The order shall provide for services in all Magisterial District Courts during those periods of time outside of normal business hours by designating an “on-call” Magisterial District Judge. This Order shall ensure availability of issuing authorities to provide the services required by the Pennsylvania Rules of Criminal Procedure as follows:

- (1) continuous coverage for the issuance of search warrants pursuant to Pennsylvania Rule of Criminal Procedure 203, and arrest warrants pursuant to Rule 513;
- (2)(a) conduct summary trials or set collateral in summary cases following arrests with a warrant pursuant to Rule 430(A) as provided in Rule 431(B)(3) and following arrests without a warrant as provided in Rule 441(C);
(b) conduct preliminary arraignments without unnecessary delay whenever a warrant of arrest is executed within the judicial district pursuant to Rule 516;
(c) set bail without unnecessary delay whenever an out-of-county warrant of arrest is executed within the judicial district pursuant to Rule 517(A);
(d) accept complaints and conduct preliminary arraignments without unnecessary delay whenever a case is initiated by an arrest without warrant pursuant to Rule 519(A)(1);
- (3) shall ensure that coverage is provided pursuant to Rule 520(B) to admit defendants to bail on any day and at any time in any case pending within the judicial district.

RULE L310

ADMISSION TO A.R.D. IN CASES OF DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING BEVERAGES, OUT OF STATE PERSONS, ADMINISTRATION FEE IN D.U.I. CASES, CONTENT OF A.R.D. APPLICATIONS AND ORDERS

- a. Prior to admission into the A.R.D. Program in driving while under the influence of intoxicating beverage cases, the applicant must appear in Mercer County, Pennsylvania, before a certified examiner for the administration of the Mortimer-Filkens test, the results of which shall be evaluated by the Court Reporting Network. (75 Pa. C.S.A. 3816.)
- b. All applicants who are accepted into the A.R.D. Program will be required to attend either the Mercer County Counter Attack School Program or the equivalent of the Mercer County Counter Attack School Program in the applicant's home county and state. (75 Pa. C.S.A. 1549)
- c. If the Court Reporting Network reports counseling and treatment are necessary, it may be ordered in the applicant's home county and state.
- d. All persons who are found guilty of driving while under the influence, plead guilty to driving while under the influence or are accepted into A.R.D. must pay through the Office of the Clerk of Courts, in addition to all other costs, \$150.00 for administration of such cases.
- e. All motions requesting admission into the A.R.D. Program shall contain the following: "I request the continuance of any further proceedings in my case until it is determined whether I am eligible for A.R.D., and if I am admitted into it, for the length of time I am in the program, plus ninety days thereafter. "
- f. All Orders admitting applicants into the A.R.D. Program shall contain the following: "Defendant's request for a continuance of all proceedings in this case pending a determination of his eligibility for the A.R.D. Program and for the time he is in the program plus ninety days is granted."

[Adopted September 1, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.]

RULE L528

PERCENTAGE CASH BAIL SYSTEM

- a. A defendant charged with a crime in Mercer County, or a third party surety who is not a professional bondsman or an agent or representative of a professional bondsman, may if authorized by the Issuing Authority or the Court execute a bail bond and deposit with the Issuing Authority or Clerk of Courts by depositing money equal to ten percent (10%) of the amount of bail set, but in no event less than fifty dollars (\$50.00).

- b. The money furnished shall be receipted for, deposited, accounted for, forfeited or returned in accordance with Pennsylvania Rules of Criminal Procedure 535 and 536.
- c. If there has been no forfeiture, upon full and final disposition of the case, the Clerk of Courts or Issuing Authority shall retain any bail-related fees or commissions authorized by law, and the reasonable costs, if any, of administering the cash bail system. The balance shall be returned to the person who deposited it with the Issuing Authority or the Clerk of Courts within twenty (20) days of full and final completion of the case. Notice of the full and final disposition shall be sent by the Clerk of Courts to the person who originally posted the money at the address of record upon a full and final completion of the case. Any money not claimed within one hundred eighty (180) days from the date the notice is sent of the full and final disposition of the case shall be deemed as fees and shall be forfeited to the use of the County of Mercer.

INSTRUCTIONS FOR POSTING BAIL

- 1. Both a resident and a non-resident may be eligible to post percentage cash bail at the discretion of the District Justice or the Judge of the Court of Common Pleas.
- 2. You must post 10% of the bail as set by the District Justice or the Court, but in no event less than \$50.00.
- 3. The defendant must attend all Court hearings in his case, or be subject to being placed in jail on a Bench Warrant issued by the Court, and subject to the bail money being forfeited.
- 4. After the defendant's case is completed, the Clerk of Courts Office will return the bail to the surety. Bail will be returned only to the person who posted it within twenty (20) days of the full and final completion of the case.
- 5. The surety is liable to forfeit 10% of the bail amount which has been posted, and if the defendant does not appear as ordered, 100% will be forfeited.

I HAVE READ OR HAD READ TO ME THE ABOVE INFORMATION, AND I
FULLY UNDERSTAND ITS CONTENTS.

Defendant

Surety

Witness _____

Date _____

APPLICATION FOR BAIL

This application is to be filled out by any person placed on bail.

INFORMATION

Name _____ Telephone No. _____

Alias _____

Address _____

With Whom Living _____

Relationship to this Person _____

Charges _____

Prosecutor _____

Single () Married () Separated () Divorced ()

ADDITIONAL PERSONAL INFORMATION

Date of Birth _____ Race _____ Male _____ Female _____

Weight _____ Height _____ Build _____

Color of Eyes _____ Eyeglasses: Yes _____ No _____ Color of Hair _____

Length of Hair _____ Bald: Yes _____ No _____ Partly Bald: Yes _____ No _____

False Teeth: Yes _____ No _____ Describe any physical handicaps: _____

Scars: Yes _____ No _____ If yes, describe _____

Tattoos: Yes _____ No _____ If yes, describe _____

Facial Marks: Yes _____ No _____ If yes, describe _____

List Previous Convictions: _____

Social Security No. _____ - _____ - _____ Driver's License No. _____

Motor Vehicle Registration No. _____ State of Issuance _____

State Your Source of Income: _____

Employer's Name and Address: _____

If unemployed, list last employer and address _____

If on Public Assistance, Claim Number _____

If not on Public Assistance, but have Medical Card,

Medical Card No. _____

If on Unemployment Compensation, State Claim Number _____

Are you under order to pay support? Yes _____ No _____

If yes, what court and for whom? _____

Have you ever been on bail before? Yes _____ No _____ If so, what court? _____

Do you have any bank accounts? Yes _____ No _____ If yes, name of bank and address: _____

Have you ever been a patient in a Mental Institution? Yes _____ No _____

If yes, where and when? _____

Are you addicted to alcohol? Yes _____ No _____ Have you ever received treatment for this addiction? Yes _____ No _____ If so, where and when? _____

Are you addicted to drugs? Yes _____ No _____ Have you ever received treatment for this addiction? Yes _____ No _____ If so, where and when? _____

State the names and addresses of any other relatives living in Mercer County: _____

MERCER COUNTY INFORMATION SHEET FOR PERCENTAGE CASH BAIL SYSTEM THIRD PARTY CASH BAIL INFORMATION

(In addition to the Application for Bail, the following information should be obtained from the person posting the Cash Bail and should be attached to the Application for Bail of the defendant.)

Client's Name _____ No. _____

Name of third party posting bond _____

Address _____ Telephone _____

Occupation _____ Employer _____

Employer's Phone No. _____

() Own Resident () Rent Residence () Own Other Real Estate

If Yes as to Other Real Estate, describe _____

Mortgage held by _____

Date of Birth _____ Race _____ Male _____ Female _____

Weight _____ Height _____ Build _____

Color of Eyes _____ Eyeglasses: Yes _____ No _____

Color of Hair _____ Length of Hair _____

Bald: Yes _____ No _____ Partly Bald: Yes _____ No _____

False Teeth: Yes _____ No _____

Describe any physical handicaps: _____

Scars? Yes _____ No _____ If yes, describe _____

Tattoos? Yes _____ No _____ If yes, describe _____

() Own Automobile () Automobile Financed by _____

Title _____ Plate _____ Year _____
 Make _____ Model _____
 Amount deposited by third party _____
 Defendant _____ Others _____
 Have you ever been on bond before? Yes _____ No _____
 If so, what court? _____
 Do you have any bank accounts? Yes _____ No _____
 If yes, name of bank & address: _____
 Have you ever been a patient in a Mental Institution?
 Yes _____ No _____ If yes, where and when? _____
 Are you addicted to alcohol? Yes _____ No _____
 If Yes, have you received treatment for this addiction? Yes _____ No _____
 If so, where and when? _____
 Are you addicted to drugs? Yes _____ No _____
 Have you ever received treatment for this addiction?
 Yes _____ No _____ If so, where and when? _____
 State the names and addresses of any other relatives living in Mercer County:

 Additional Information: _____

[Adopted September 1, 2004, effective 30 days after Publication in the *Pennsylvania Bulletin*.]

RULE L571

ARRAIGNMENTS

- (a) A defendant who is charged with crimes that do not include Driving Under the Influence shall be arraigned in Common Pleas Court the on Tuesday of the eighth week following that defendant's preliminary hearing by the Magisterial District Judge.
- A defendant who is charged with at least one count of Driving under the Influence shall be arraigned in Common Pleas Court on Tuesday of the twelfth week following the defendant's preliminary hearing by the Magisterial District Judge.
- If no arraignment court is scheduled for said Tuesday, a defendant's arraignment shall take place on the next scheduled arraignment court.
- (b) Notice of arraignment shall be provided to the defendant by the Magisterial District Judge following the preliminary hearing on the form provided in subparagraph (c).

- (c) The District Attorney of Mercer County shall have available at arraignment ARD application forms for pro se defendants charged with first offense DUI and/or boating DUI's.
- (d) The Court Administrator of Mercer County shall provide to each Magisterial District Judge and the District Attorney of Mercer County on or before the last Monday of each calendar year a schedule setting the arraignment dates in accordance with subparagraph (a) hereof.
- (e) Arraignment Notice Form.

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

COMMONWEALTH OF	:	
PENNSYLVANIA	:	
	:	
VS.	:	OTN NO. :
	:	
_____ ,	:	
Defendant	:	

NOTICE OF ARRAIGNMENT

You are hereby notified that arraignment in the above captioned matter shall be held on the ____ day of _____, 20____, at ____o'clock, __.m. in Courtroom No. ____ of the Mercer County Courthouse, Mercer, Pennsylvania. This notice is the only one you will receive.

YOU MUST APPEAR FOR ARRAIGNMENT COURT UNLESS YOU EXECUTE A WRITTEN WAIVER PRIOR TO THE DATE OF ARRAIGNMENT. IF YOU FAIL TO APPEAR OR WAIVE ARRAIGNMENT, A BENCH WARRANT SHALL BE ISSUED FOR YOUR ARREST.

BY THE COURT:

P.J.

- (f) All continuances of arraignment from the date set by the Magisterial District Judge must be approved by the President Judge or most senior judge available should the President Judge not be available.
- (g) At arraignment, all defendants charged with DUI shall notify the Court on the record if they appear or in writing if arraignment is waived, whether treatment was recommended as a result of the DUI evaluation and, if so, whether the defendant has completed said treatment. If the defendant has not, the Court may modify

defendant's bail to require defendant successfully complete the recommended treatment in the TASC program.

- (h) ARD hearings for all eligible defendants charged with at least one count of Driving Under the Influence shall be held immediately following their arraignment. The District Attorney of Mercer County shall, at the time of arraignment, notify each defendant whether he/she is or is not eligible for admission into the AD Program.

[Adopted May 30, 2013, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended September 25, 2014, effective 30 days after publication in the *Pennsylvania Bulletin*.]