

Judge's Chambers
200 Main Street, Courthouse
Brookville, Pennsylvania 15825
814-849-1618



**Court of Common Pleas
of Jefferson County
Fifty-Fourth Judicial District**

**John H. Foradora
President Judge**

June 1, 2012

Dear Criminal Defense Counsel:

From spring of 2010 through March of 2012, there are only three jury trials in which juries were empanelled (other than homicide cases). This resulted in approximately ten months of jury panels being called to court where no civil or criminal jury was selected.

Further, in examining the trial list, there were several cases that seemed to remain on the list for longer periods of time than were necessary and the continuance requests reflected awaiting discovery. After discussion with the public defender and district attorney, it was noted that many times discovery requests were being held up at the district attorney's office due to the district attorney and staff redacting contact information from that discovery.

In order to try to alleviate the number of jury panels called, as well as bring cases to disposition sooner, the court will implement the following procedures.

First, attached to this letter are two Administrative Orders. One is with regard to child abuse allegations at which there was an interview performed at Western PA Cares for Kids. The order is self explanatory and knowing the procedure to secure the disk through discovery; counsel should be able to proceed with full knowledge of what needs to be done to secure the disk, as well as the protections afforded to the disc once in counsel's possession.

Second, is a general operating discovery order which places the onus on the police department and the arresting officer to provide all the discovery to the district attorney's office within thirty (30) days of a written request and then the district attorney providing that discovery to defense counsel immediately unredacted.

Please note that defense counsel is not permitted under this order to provide that discovery to their client without redacting the names and contact information of the potential witnesses listed in the discovery.

The final alleged cause for delay, has been with regard to the criminal conference procedure. Apparently, some attorneys have refused or failed to attend conferences. Others indicate that when they have, the district attorney was not present or prepared to make an offer. In any event, at the end of each month when the court is left with a stack of trial continuances, court

administration staff has to call attorneys to attempt to set up trials, which are commonly confronted with additional requests saying that further conferences and discovery is needed. Without putting the blame on any one on either side, the court is implementing the following procedure.

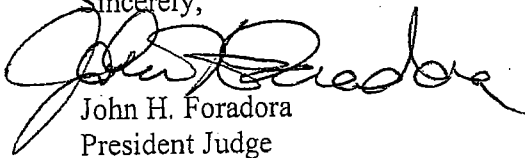
If at the time you have a case on the trial list that needs continued, that case will be set for a pre-trial conference on the last Monday afternoon of July 2012, and the last Monday of each month thereafter. The pre-trial conference will occur in the jury room with the judge, court administration, the district attorney, and defense counsel being required to attend. The purpose of this pre-trial conference is not to engage in plea negotiations with the court, but to have a firm trial date set by the court when you can expect a trial to occur. At that point, the district attorney and defense counsel will know the date at which the case will go to trial. That is the time for either side to make any argument regarding additional information that needs to be provided prior to the case being tried. The court will hear those arguments and take them into consideration setting time limits and a firm date for trial. Once the case is set for trial there will be no further continuances absent a medical or other unforeseen reasons.

Further, the earliest the cases will be are pre-tried this July will be scheduled for jury selection on September 10, 2012, making their last day to accept a plea agreement as September 5, 2012. That will give counsel and the defendant at least one to two months to decide whether or not to accept a plea agreement and will leave the defendant with the only option on jury selection day being an open plea to (at very least) the most serious count on the information.

The intent of this letter and orders is not to micromanage the system, but to suggest to all involved to use your conference time wisely and have the cases ready for disposition more quickly and smoothly. That is why I caution that the court will not be participating in entertaining contrasting plea proposals at the pre-trial conference but will only be ensuring that all discovery has been provided and motions have been filed so that a fair and full trial can occur.

Thank you very much.

Sincerely,



John H. Foradora
President Judge

JHF/jjb

Cc: District Attorney
Public Defender's Officer
All Criminal Defense Counsel
Court Administration

COURT OF COMMON PLEAS OF
JEFFERSON COUNTY, PENNSYLVANIA

FILED

2012 JUN -1 A 9:03

CRIMINAL

IN RE:

CP-33-AD-8-2012

TONYA S. GEIST
JEFFERSON COUNTY
PROTHONOTARY AND
CLERK OF COURTS

PROCESS OF OBTAINING AND
DISTRIBUTING DISCOVERY FOR
CRIMINAL CASES THROUGH THE
DISTRICT ATTORNEY'S OFFICE

ADMINISTRATIVE ORDER OF COURT

And now, this 1st day of June 2012, the Court having been aware that some delay in scheduling criminal cases for trial has been caused due to time taken to redact contact information in discovery provided from police agencies to the district attorney,

IT IS HEREBY ORDERED AND DECREED that the following operating order will apply to all defense counsel regarding discovery:

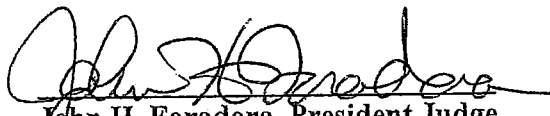
1. When a formal written request for discovery or court order discovery is provided to the district attorney's office, this notice will be sent immediately to the arresting officer and police agency.
2. That agency and/or officer shall provide to the district attorney's office all information contained in their files within thirty (30) days of receipt of that request. Failure to provide this information can result in the agency or officer being held in contempt.
3. Upon receipt of the discovery in the office of district attorney, it shall be immediately copied and transferred to defense counsel.

A TRUE COPY

ATTEST: *Tonya S. Geist*
PROTHONOTARY - CLERK

4. All defense counsel are subject to keeping the discovery provided to them by the district attorney's office in their file and shall not produce that to the defendant or any other person without first redacting identifying contact information of any individuals located within the discovery. Defense counsel is responsible to ensure that defendant is not given or told addresses or contact information without first getting leave of court. Further, any discovery documents which are transferred from the attorney to their client, shall have that information first redacted before the transfer. If the file is to be transferred to the client at the close of the case, the defense attorney will first redact contact information or ask leave of court for the appropriate procedure in which to transfer this file to the defendant.
5. Failure to abide by the redaction provisions can subject defense counsel to contempt proceedings.

BY THE COURT:


John H. Foradora, President Judge