

IN THE COURT OF COMMON PLEAS FOR THE 39TH JUDICIAL DISTRICT
Franklin County and Fulton County Branches

PROTHONOTARY
FRANKLIN COUNTY PA

2021 JAN 25 PM 2:56

TIMOTHY S. SPONSELLER
PROTHONOTARY
DEPUTY

In Re: 39th Judicial District

Emergency Judicial Order

57 MM 2020

2020-1129

Amended Emergency Judicial Order

And now this 25th day of January, 2021,

WHEREAS, this court entered an Amended Emergency Judicial Order on December 28, 2020, extending the judicial emergency due to the ongoing presence of the Covid-19 virus in the 39th Judicial District until April 30, 2021 and also ordering a "rolling back" of court proceedings within the 39th Judicial District through January 31, 2021 to limit in-person proceedings to only those originally exempted by Chief Justice Saylor by his order of March 18, 2020;

AND WHEREAS, the undersigned has continued to monitor the status of the virus in the district including the positivity rate, impacts on the health systems and the distribution of the various vaccines;

AND WHEREAS, the court recognizes that there is the ongoing obligation to provide due process and access to the courts despite the pandemic, albeit with the public's safety also prioritized;

**For the foregoing reasons the undersigned President Judge does decree and
IT IS HEREBY ORDERED:**

AND NOW this 25th day of January, 2021, the Court having executed and filed an Amended Emergency Judicial Order on December 28th, 2020 eliminating in-person proceedings through January 31, 2021 which would include the summoning of jurors to the courthouses in the judicial district;

IT IS HEREBY ORDERED that effective February 1st, 2021 all court facilities are confirmed to be "open" with access limited to court facilities to minimize the spread of the COVID-19 virus. The Courts of the 39th Judicial District will begin hearing cases on all dockets in person and will resume jury trials in the March/April trial term, subject to the following limitations and restrictions:

ATTEST A TRUE COPY

TIMOTHY S. SPONSELLER PROTHONOTARY

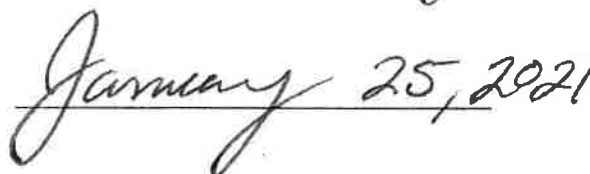
- A. No individuals incarcerated in an SCI or the Franklin County Jail will be physically brought before the court until such time as the institutions have lifted their respective quarantine protocol. The only exception to this prohibition is to permit a defendant to appear for jury selection and jury or bench trial as the defendant or witness. All other proceedings such as bail/suppression/habeas corpus/preliminary hearings for incarcerated individuals shall be conducted using ACT.
- B. Individuals incarcerated at the Bedford County Correctional Facility or any other prison, jail or correctional facility that can certify that there are no known cases of coronavirus for a period of five (5) days prior to a court proceeding, and not otherwise prohibited due to coronavirus protocols established by the facility, may be brought to a court facility for hearing or disposition of their case, otherwise the proceeding shall be conducted using ACT.
- C. In all dockets or daily schedules, there shall never be more than a total of 8 litigants/defendants scheduled per hour in any court facility to permit the presiding judge, hearing officer or master to enforce social distancing and limit exposure of persons to the coronavirus within the courtrooms and the adjoining hallways or common areas.
- D. In civil dockets in which there will be both a Plaintiff and Defendant appearing for a proceeding, including but not limited to Protection from Abuse hearings or custody presentations, there shall be no more than a combination of 8 litigants scheduled to appear per hour to permit the presiding judge to enforce social distancing and limit exposure of persons to the coronavirus within the courtrooms and the adjoining hallways or common areas. In criminal dockets for the purpose of conducting Wednesday Miscellaneous Court, Central Court, Call of List, and Pretrial Conferences for on-bond defendants, there shall be no more than 8 defendants listed for court per hour.
- E. All parties appearing at a court facility shall comply with the required coronavirus screening protocol. Counsel shall take all reasonable efforts to screen their clients and witnesses in advance of a proceeding and seek a continuance of the scheduled matter if a party or witness cannot pass the screening protocol. The court shall grant liberal continuances for cases in which any party, litigant or witness cannot appear in court due to an inability to pass the coronavirus screening protocol in place at all court and county facilities.
- F. The wearing of masks and social distancing shall be required in all court facilities. The wearing of masks and social distancing shall be made a priority for all proceedings conducted within a courtroom. Faceshields may not be worn in lieu of a mask. No person may wear a faceshield, unless expressly approved by a judge for the purpose of testifying, due to a medical condition or to otherwise insure due process in the discretion of the President Judge.

G. All judges are encouraged to consult the weekly calendars to permit court to be conducted so as to limit the number of occupants in court facilities to comply with these restrictions.

H. Each judge may continue to exercise discretion, and when possible use ACT to conduct proceedings to limit the number of persons within court facilities.

All other provision of the December 21st, 2020 Emergency Judicial Order and the Amended Emergency Judicial Order dated December 28th, 2020 not otherwise altered by this order are hereby incorporated and affirmed.

Signed: 
P.J.

Dated: 

Dist:

Board of Judges

Court Administration

Magisterial District Judges

Tim Sponseller, Franklin Co. Prothonotary

Todd Rock, Franklin Co. Clerk of Courts

Linda Miller, Franklin Co. Register and Recorder

Patty Fix, Fulton Co. Prothonotary/Clerk/Register & Recorder

Franklin Co. Sheriff Dane Anthony

Fulton Co. Sheriff Keith Stains

Chief Douglas Wilburne – Franklin Co. Probation/Parole

Chief Richard Ackerman – Franklin Co. Juvenile Probation

Chief Dan Miller – Fulton Co. Adult & Juv. Probation/Parole

Franklin Co. District Attorney, Matt Fogal

Franklin Co. Public Defender, Casey Bogner

Fulton Co. District Attorney Travis Kendall

Fulton Co. Public Defender Phil Harper

Conflict Counsel: S. Kulla, Esq.; E. Weisbrod, Esq.; K. Taccino, Esq.

Franklin & Fulton Co. Commissioners

Masters/Hearing Officers/Conciliators

