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THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School

REVISED FORMS FOR USE BY THE
CRIMINAL DIVISION OF THE LYCOMING COUNTY
COURT OF COMMON PLEAS

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ACQUISITIONS

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I. INTRODUCTION

Under the auspices of the Criminal Courts Technical Assistance Project, technical assistance has been provided in two phases to the Lycoming County, Pennsylvania Court of Common Pleas. These services were in response to President Judge Charles G. Greevy's request for assistance in improving court administration to better accommodate the steady increase in civil and criminal caseload.

This report describes the second phase of assistance--the preparation of new forms for use within the court's Criminal Division. The need for these forms stems largely from changes in the Pennsylvania Rules of Criminal Procedures as well as the initiation of new programs by the court. The first phase of assistance, an improved jury management program, is described in a report published February 6, 1973 by the Technical Assistance Project.

The need for both the jury management program and forms revision was identified during a preliminary review of court problems by Mr. Robert C. Harrall, Rhode Island Deputy State Court Administrator, who was assigned by the Technical Assistance Project to confer with President Judge Greevy and his associate, Judge Wood to determine the scope of assistance necessary. In addition to this preliminary review, Mr. Harrall prepared the forms described in this report, while the jury management improvement program was developed by Mr. David J. Saari, Director of American University's Center for the Administration of Justice. Both of these consultant tasks were conducted in close consultation with Judges Greevy and Wood, with periodic review and input by court and county officials.

II. METHODOLOGY USED IN FORMS DEVELOPMENT

The preparation of revised and new forms for the court involved three distinct stages during which information needs were defined, preliminary drafts prepared and reviewed and content and design finalized.

A. Phase I: Initial Planning and Development of Draft Forms

1. Initial On-site Visit

In an effort to define in detail the number and type of forms required as well as their potential usage, the consultant met initially with the judges of the court as well as with representatives of the several offices which would be using the new forms or affected by them. The agencies represented included the Prosecutor, Probation, Public Defender, Clerk's Office and Law Clerks. During this initial visit, the consultant gathered together available printed information relevant to the forms design--court rules, existing forms, program descriptions--as well as forms from similar jurisdictions.

2. Initial Design Stage

Following detailed review of the above materials, the consultant prepared preliminary drafts of the forms required by the court and related agencies. These drafts were submitted to the court with the recommendation that they be circulated to appropriate staff members prior to the consultant's next visit. The purpose of these drafts was threefold:

- a. establish the basic form content in terms of the areas to be covered.
- b. establish the basic format in terms of numbers of forms, combination of form functions, etc.
- c. clarification of terminology commonly used within Lycoming County.

3. Initial Review Stage

The preliminary draft forms sent by the consultant to the court were circulated to appropriate members of the court system, most of whom had been involved in the initial on-site visit. These staff members were instructed to review the drafts in terms of content, design and the special needs of their specific offices. Following this review, the court notified the consultant that the staff was ready for a second visit.

B. Phase 2: Draft Forms Review and Revision

1. Second on-site Visit

Court and related agency representatives met with the consultant and provided comments resulting from their review of the draft forms. The drafts were altered to reflect court and agency needs to conform with court terminology. The focus of this second meeting was upon usability so that the forms could become an integral part of the court system. In addition, initial discussion was begun regarding mechanical aspects of form preparation such as NCR paper, hole punching, multi-parts, control numbers, stock weight and color, quantities, etc.

2. Secondary Design Stage

Form drafts were revised to reflect the court and agency comments of the second site visit. The consultant evaluated staff recommendations in light of overall form criteria. Revisions were made when changes were obvious (improper terminology, rule conflict, content omissions, etc.) or when such changes seemed desirable from the viewpoint of usage. However, when suggested changes violated basic rules of effective form design to create, for example, improper category groupings, confusing structure, repetition, etc., the consultant advised the court.

The redrafted forms were submitted to the court and, at the same time, printing criteria were further delineated.

3. Secondary Review Stage

The redrafted forms were again circulated among the court and related agencies. These agencies were informed that, during the consultant's next visit, the content and design of the forms would be finalized and a representative from each agency should be present to give the final approval of his agency.

C. Phase 3: Final Form Preparation

Final On-site Visit

The purpose of this final visit was to finalize the forms and discuss their preparation. Changes consisted largely of wording and minor content modifications. More extensive discussion centered upon printing requirements and the relative merits of in-house printing and vendor printing. At this time the consultant requested a meeting with the vendor who routinely produced court forms to discuss technical aspects of printing the forms. Printing criteria were further delineated by the consultant to the court although many decisions regarding the printing process were deferred for court-printer action.

III. SUMMARY OF FORM DEVELOPMENT PROCESS AND APPLICABILITY FOR OTHER JURISDICTIONS

While the purpose of this consultancy was clearly defined with relatively few variables likely to occur, the technical knowledge necessary to develop court forms had to be supplemented with familiarity with local court procedures as well as the cooperation of all agencies involved in the court system. A working knowledge of the court structure, court rules, and court practice as well as a clear idea of the actual use to which the forms will be put on a day-to-day basis was essential. In addition, the degree to which these forms will be potentially transferable to other jurisdictions is conditioned by the unique circumstances within the court in question.

In gaining this basic familiarity with Lycoming County Court of Common Pleas procedure as well as the essential consensus for the forms designed, the formation of a representative committee of all agencies using the forms was most effective. This committee enabled the consultant to obtain all necessary input in the design effort as well as effective review by all agencies involved. Proper use of such a committee can insure that the final product will be accepted and utilized by the court.

The development of forms for the Lycoming County Court of Common Pleas, a small (two-judge) court in a relatively rural area in Pennsylvania, may well have ramifications beyond the immediate utility of the forms. Considerable court and office time may be saved as well as increased accuracy of court paperwork obtained. Moreover, since almost all of the forms designed were necessary as a result of rules and programs common to all counties in the state, many of the forms will be adaptable to other counties. This possibility is

Increased by the fact that the printer for the Lycoming County Court is one of the largest printers of legal forms in Pennsylvania and can provide forms to other counties with minor modifications.

IV. FORMS PREPARED FOR CRIMINAL DIVISION, LYCOMING COURT OF COMMON PLEAS

BAIL AND RECOGNIZANCE CONDITIONS

COMMONWEALTH

Bail at:

Court of Common Pleas
Criminal Division

vs.

- Preliminary Arraignment
- Preliminary Hearing
- Arraignment
- Post Conviction
- Appeal

NO. _____

It is hereby ORDERED that the above defendant be released provided:

Terms of Release

Personal Recognizance () that he/she promises on his/her own recognizance in the amount of \$ _____.

Nominal Bail () in the amount of \$ _____ to appear at all scheduled hearings as required.

Cash Bail () that he/she deposits with the Court the sum of \$ _____, in cash, such deposit to be returned upon the court's determination that the defendant has appeared at all scheduled hearings as required, less authorized court fees.
10% Bail

Surety Bail () We the undersigned _____ principal, and _____ surety our successors, heirs and assigns, are jointly and severally bound to pay the Commonwealth of Pennsylvania the sum of _____ Dollars (\$ _____).

The conditions of this bond is that the defendant _____ is to appear before the issuing authority and in the Criminal Courts of Lycoming County at all times as his presence may be required, ordered or directed, until full and final disposition of the case, to plead, to answer and defend as ordered the aforesaid charge or charges, and shall abide and not depart from the court without leave, then this obligation is to be void; otherwise, it is to remain in full force and effect. If the defendant pleads, answers and defends as ordered, then this bond is to be void, but if the defendant fails to perform this condition, payment of the amount of the bond shall be due forthwith upon order of the court. (Rule 4006).

Acknowledgement by Defendant (and Surety):

I understand the terms and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required, and I accept them.

Signature of Defendant Date Address

Signature of Surety Date Address

Corporate Surety Date Address

Signed and Acknowledged before me on _____ 19____.

PRE GRAND JURY ARRAIGNMENT

COMMONWEALTH

Court of Common Plea.
Criminal Division

vs.

NO. _____

A Complaint has been filed charging you with committing the crime of _____ in this county. The District Attorney has prepared an indictment. You have the right to have this indictment presented to the Grand Jury of this county. The Grand Jury must decide only if there is enough evidence against you to try you for this offense. When reaching this determination, the Grand Jury will hear only the Commonwealth's side of the case. If the Grand Jury indicts you, you will be tried by a jury or without a jury, according to your preference, and the approval of the court.

Throughout these proceedings you have the following rights:

you have the right to an attorney. If you cannot afford an attorney, you may apply to the Public Defender for him to represent you without charge. He will advise you regarding your rights through the appeal process;

you may waive Grand Jury and proceed directly to trial;

you have the right to enter the plea of your choice;

you have the right to a jury trial, or, with the approval of the Court and the District Attorney a non-jury trial;

you have the right to confront and cross-examine all witnesses against you during your trial and to present witnesses of your own;

you have the right to appeal if you are convicted. If you cannot afford an attorney, you may apply to the Public Defender for him to represent you without charge.

C E R T I F I C A T E S

I certify that the preceding items have been explained to me and that I have had the opportunity to ask questions about any of them that I did not understand. I understand the charges against me.

Based on that knowledge and understanding:

I intend
 do not intend to apply to the Public Defender for him to represent me.

I waive my right to Grand Jury consideration of my case and wish a jury non-jury trial.

Date

Defendant

I certify that I have explained the rights to which the defendant is entitled in this matter to him. I have also informed him of the charges. The defendant has stated that he understands these explanations in my presence in open court. He has signed the certificate above. It is directed that this form be filed and made a part of the record in these proceedings.

Judge

COMMONWEALTH OF PENNSYLVANIA
Lycoming County

POST GRAND JURY ARRAIGNMENT

COMMONWEALTH

vs.

Court of Common Pleas
Criminal Division

NO. _____

An indictment has been returned by the Grand Jury of this county charging you with the crime of _____

You are to be tried by a jury or without a jury, according to your preference and the approval of the court. Throughout these proceedings you have the following rights:

You have the right to an attorney. If you cannot afford an attorney you may apply to the Public Defender for him to represent you. He will advise you regarding your rights through the appeal process;

You have the right to enter the plea of your choice;

You have the right to a jury trial, or, with the approval of the Court and the District Attorney, a non-jury trial;

You have the right to confront and cross-examine all witnesses against you during your trial and to present witnesses of your own;

You have the right to appeal if you are convicted. If you cannot afford an attorney, you may apply to the Public Defender for him to represent you without charge.

C E R T I F I C A T E S

I certify that the preceding items have been explained to me and that I have had the opportunity to ask questions about any of them that I did not understand. I feel I understand the charges against me and the possible penalty if I plead guilty or am convicted.

Based on that knowledge and understanding:

I intend to apply to the Public Defender for him
 do not intend to represent me.

I wish a jury non-jury trial.

Date

Defendant

I certify that I have explained the rights to which the defendant is entitled in this matter to him. I have also informed him of the charges. The defendant has stated that he understands these explanations in my presence in open court. He has signed the certificate above. It is directed that this form be filed and made a part of the record in these proceedings.

Date

Judge

COMMONWEALTH OF PENNSYLVANIA
Lycoming County

PETITION TO ENTER PLEA OF GUILTY

COMMONWEALTH

vs.

Court of Common Pleas
Criminal Division

NO. _____

CHARGE _____

The defendant above named represents to the Court under oath as follows:

(1) My full true name is: _____ and I request that all proceedings against me be had in the name which I here declare to be my true name.

(2) (a) I am represented by counsel and the name of my lawyer is _____ or,

(b) I have waived my right to counsel and choose to represent myself before the court in this matter. I have made this decision with the full knowledge that I am entitled to counsel even if I cannot afford to pay for it myself.

(3) I have been informed by the court of the charges filed against me before being called upon to plead, and fully understand every charge made against me in this case. (and I further waive presentment of the same to a Grand Jury).

(4) I have told my attorney all the facts and surrounding circumstances as known to me concerning the matters mentioned in the indictment.

(5) My attorney has advised me as the maximum punishment which the law provides for the offense charged in the indictment, as follows: A maximum of _____ years imprisonment and a fine of \$ _____ for the offense of _____ charged in _____ of the indictment.

(6) I enter this plea with full understanding of my Constitutional rights.

(7) I also understand that if I plead "GUILTY" the court may impose the same punishment as if I had pleaded "NOT GUILTY", stood trial and been convicted by a jury.

(8) (a) I am aware of the plea agreement in this case.

(b) There is no plea agreement in this case.

(9) I believe that my attorney has counseled me fully in all matters here relevant and I am satisfied with the representation that I have received.

WHEREFORE, I pray the court to enter now my plea of "GUILTY". Because I am "GUILTY" and make no claim of innocence, I wish to plead "GUILTY" and respectfully request the court to accept my plea of "GUILTY" and to have the clerk enter my plea of guilty to _____

I offer my plea of "GUILTY" freely and voluntarily and of my own accord. I am not under the influence of any drug, alcohol, or narcotic substance at the time I petition to enter this plea.

Signed by me in open court this _____ day of _____ 19____.

Defendant

Clerk of Court

Lycoming County

COMMONWEALTH

Court of Common Pleas

vs.

Criminal Division

NO. _____

A.R.D. PROGRAM

O R D E R

The above defendant having heard an explanation of the A.R.D. Program and the conditions of his acceptance to it, and said defendant having certified his understanding of the program and the conditions of his acceptance to it, IT IS ORDERED,

1. The defendant shall remain under the ARD Program and subject to supervision of the Lycoming County Probation Department for a period of _____ months, during which time the defendant shall obey the law and be of good behavior.

2. The defendant shall pay costs in this case in the amount of \$ _____, in the following manner:

3. No restitution is appropriate in this case.

The defendant is required to make restitution to _____, in the total amount of \$ _____, in the following manner:

4. The defendant shall report any change of residence, employment or marital status and any arrest on any charge to the Lycoming County Adult Probation Office within three (3) days.

5. The defendant shall report to the Lycoming County Adult Probation Office if directed to do so or to such other reporting agency as directed at such time and in such manner as prescribed.

6. SPECIAL CONDITIONS:

7. The Court notes that the defendant has accepted the above conditions and, accordingly, all further criminal proceedings are postponed during the term of the program so long as the defendant complies with the above conditions.

8. The defendant is advised that upon satisfactory completion of the program an application may be made to the court under the conditions of Rule 185 for an order dismissing all charges.

Date

Judge

COMMONWEALTH OF PENNSYLVANIA

Lycoming County

REQUEST FOR ACCEPTANCE TO
A.R.D. PROGRAM

COMMONWEALTH _____

COURT OF COMMON PLEAS

vs.

Criminal Division

NO. _____

The above court has before it a complaint charging me with the crime
of _____.

I understand the District Attorney for Lycoming County has moved that my
case be accepted in the Accelerated Rehabilitation Disposition program.
I understand that my entry into this program is subject to the following
conditions:

1. If I successfully complete the program, I will earn a dismissal of the
charges pending against me.
2. If I fail to complete the program satisfactorily, I may be indicted,
or if already indicted, tried as provided by law.
3. I agree that, if accepted into the program, I waive the appropriate
statute of limitations and my right to a speedy trial under any
applicable Federal or State Constitutional provisions, statutes, or
rules of court during the period of enrollment in the program.

I certify that I have been advised by counsel as to the details and effect
of the program in my case and the program has been explained to me in open
court. I understand the program.

Date

Signature of Defendant

I have heard the conditions in my case imposed by the Court in open
Court and listed on the attached order.

I accept those conditions and agree to comply with them.

Date

Signature of Defendant

COMMONWEALTH OF PENNSYLVANIA

Lycoming County

COMMONWEALTH

Court of Common Pleas

vs.

APPLICATION FOR DISMISSAL
OF CHARGES UNDER
ARD PROGRAM

Criminal Division

NO. _____

TO THE HONORABLE COURT OF COMMON PLEAS FOR LYCOMING COUNTY:

The Petition of the above-named defendant respectfully represents:

1. That on _____ 19____, your petitioner was admitted to the ARD Program.
2. That your petitioner has met all conditions ordered by the court.

Your petitioner, therefore, prays your Honorable Court, under the terms of Rule 185 of the Pennsylvania Rules of Criminal Procedure, that an Order be made dismissing the charges against him.

Date

Signature of Defendant

Defendant being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Signature of Defendant

Subscribed and sworn to before me
this _____ day of _____ 19____.

Date

Signature of Supervisor

Title and Agency

We hereby accept service (and a copy) of this Application and agree, that unless objections are filed thereto within thirty (30) days of this date, the Court shall dismiss the charges against the Defendant.

Date

District Attorney

COMMONWEALTH OF PENNSYLVANIA

Lycoming County

COMMONWEALTH

vs.

Court of Common Pleas
Criminal Division

NO. _____

DISMISSAL OF CHARGES
UNDER ARD PROGRAM

O R D E R

The above defendant having petitioned this court for discharge under the ARD Program, and the agency and/or person charged with supervising him having certified as to his completion, and there being no objection filed by the Attorney for the Commonwealth to Petitioner's request that the charges against him in the above listed Criminal Action be dismissed, it is ORDERED,

that the criminal charges against the defendant in the above criminal action be dismissed and that there be no further proceedings against the Petitioner on said charges.

By the Court,

_____ J.

Date

COMMONWEALTH

Court of Common Pleas

vs.

Criminal Division

NO. _____

S E N T E N C E

IT IS ADJUDGED that the defendant is hereby convicted upon his plea of (guilty) (not guilty, and a finding of guilty) (nolo contendere) of the offense of _____ as charged in count number _____ of the above criminal action. The Court hereby:

Sentences the defendant to pay the costs of prosecution \$ _____, make restitution \$ _____, and pay a fine of \$ _____.

Sentences the defendant to pay the costs of prosecution \$ _____, make restitution \$ _____, pay a fine of \$ _____ and undergo imprisonment in the Lycoming County Prison for a period of not less than _____ nor more than _____ to be computed from _____ and stand committed until sentence is complied with.

Sentences the defendant to pay the costs of prosecution \$ _____, pay a fine of \$ _____, make restitution \$ _____, and _____ at _____ for a period of not less than _____ nor more than _____ to be computed from _____ and stand committed until sentence is complied with.

Sentences the defendant _____

AND FURTHER DIRECTS AND

Orders that the imposition of sentence be suspended for a period of _____ upon the conditions that the defendant pay the costs, pay the sum of \$ _____ to the use of the County of Lycoming and be on probation under the supervision of the Lycoming County Probation Department/State Board of Probation and Parole, and subject to such rules, regulations and conditions as may be imposed.

Orders that this sentence shall be served concurrently with the sentence imposed in Criminal Action No. _____

Orders that this sentence shall be served at the expiration of the sentence imposed in Criminal Action No. _____

Orders that payment be made as follows:

Upon the default of any one installment, the entire balance shall become due and payable. Payment must be completed in 12 months.

By the Court,

Date

Judge

END