**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY**
**COMMONWEALTH OF PENNSYLVANIA**
**CRIMINAL DIVISION - LAW**

**IN RE: ADMINISTRATIVE ORDER 2020-33**

**Pa.R.J.A. 1952 – JUDICIAL EMERGENCY**

**No.: C-48-AD-103-2020**



## ADMINISTRATIVE ORDER

**AND NOW**, this 24th day of July, 2020, pursuant to (1) the Pennsylvania Supreme Court's Order dated May 27, 2020 authorizing the President Judge of a Judicial District to declare a judicial emergency; (2) this Court's Declaration of a judicial emergency in the Third Judicial District from June 1, 2020 through September 30, 2020; and (3) Pennsylvania Rule of Judicial Administration 1952, it is hereby **ORDERED** that Pennsylvania Rule of Criminal Procedure 600(c) is suspended from August 4, 2020 through September 4, 2020, and the period from August 4, 2020 through September 4, 2020 shall be excluded from the time calculation under Rule 600(c). All criminal cases which are continued because of the judicial emergency shall be considered to be continued by the Court. Therefore, any continuance due to the judicial emergency shall constitute excludable time for purposes of the application of Rule of Criminal Procedure 600. *See* Pa.R.Crim.P. 600(C)(1) ("[P]eriods of delay at any stage of the proceedings caused by the

Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation."); Pa.R.Crim.P. 600 cmt. ("Delay in the time for trial that is attributable to the judiciary may be excluded from the computation of time."); *Commonwealth v. Mills*, 162 A.2d 323, 325 (Pa. 2017) (dictum) ("[W]here a trial-ready prosecutor must wait several months due to a court calendar, the time should be treated as 'delay' for which the Commonwealth is not accountable."); *Commonwealth v. Bradford*, 46 A.3d 693, 705 (Pa. 2012) (finding that the Commonwealth did not violate Rule 600 where the delay was caused by the Magisterial District Judge's failure to forward the file to the Court of Common Pleas as required by Pa.R.Crim.P. 547(B), resulting in the Court's failure to generate a docket number and, in turn, failure to trigger the District Attorney's internal tracking system; "[T]he Commonwealth exercised due diligence and the delay resulted from judicial delay beyond the Commonwealth's control.").

**BY THE COURT:**

**MICHAEL J. KOURY, JR.**
**PRESIDENT JUDGE**