

**IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA**

**IN RE:** :  
**IN THE MATTER OF LOCAL RULES** :  
**58TH JUDICIAL DISTRICT** : **NO. 02-2010**  
**(MIFFLIN COUNTY)** :

**ADMINISTRATIVE ORDER**

**AND NOW**, this 19<sup>th</sup> day of July, 2010, with respect to the Mifflin County Local Rules of Court, the Court hereby **ORDERS** the following:

The following new Mifflin County Local Rule of Court is hereby **ADOPTED** and shall become effective thirty (30) days after the publication in the Pennsylvania Bulletin.

**Rule MC117 – Magisterial Judicial District Coverage.**

(1) *Bail, Search and Arrest Warrants*

- (a) The on-call magisterial district judge shall be available without unreasonable delay at all times at his or her established office for the purpose of accepting the posting of a defendant’s bail. Monetary bail may also be posed outside of regularly scheduled hours at the Mifflin County Correctional Facility. The warden of the correctional facility, or his designee, is authorized to accept bail bonds and deposits as provided in Pa.R.Crim.P. 117, 520, 525 and 535 by having the defendant sign the bail bond, releasing the defendant, and delivering the bail deposit and/or bail bond and the surety information page to the issuing authority or the Mifflin County Clerk of Courts by the close of the next business day.
- (b) The on-call magisterial district judge shall be available without unreasonable delay at his or her established office for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. Advanced communication technology may be utilized to submit the warrant application and affidavits and to issue the warrant in accordance with the requirements of the Criminal Rules.

(2) *Preliminary Arraignments on Weekdays*

- (a) When an individual is placed under arrest and requires preliminary arraignment or processing under Pa.R.Crim.P. 441, 516, 519 and 540:
  - (i) The individual shall be taken to the Mifflin County Correctional Facility for booking.
  - (ii) Between the hours of 8:00 a.m. and 11:00 p.m., the on-call magisterial district judge shall be available without unreasonable delay at his or her established office or at the discretion of the magisterial district judge, advanced communication technology may be utilized for the preliminary arraignment.
  - (iii) Between the hours of 11:00 p.m. and 8:00 a.m. the following day, any individual placed under arrest and requiring preliminary arraignment shall be temporarily detained at the Mifflin County Correctional Facility. The magisterial district judge shall be advised at 8:00 a.m. that the individual has been detained and requires preliminary arraignment. If so directed by the magisterial district judge, personnel of the Mifflin County Correctional Facility shall make such individual available at the video

conferencing site by 8:30 a.m., at which time the magisterial district judge shall conduct the preliminary arraignment through the use of advance communication technology or in person if so directed by the magisterial district judge. In the event of technological failure or if directed by the magisterial district judge, the individual shall be transported by officials of the Mifflin County Correctional Facility, the sheriff, or a Pennsylvania state constable to the office of the magisterial district judge for the preliminary arraignment.

(3) *Preliminary Arraignments on Saturdays, Sundays and Holidays*

(a) When an individual is placed under arrest and requires preliminary arraignment or processing under Pa.R.Crim.P. 441, 516, 519 and 540:

(i) The individual shall be taken to the Mifflin County Correctional Facility for booking and shall thereafter be temporarily detained pending preliminary arraignment.

(ii) Between the hours of 8:00 a.m. and 11:00 p.m., the on-call magisterial district judge shall be available without reasonable delay at his or her established office or at the discretion of the magisterial district judge, advanced communication technology may be utilized for the preliminary arraignment. The on-call magisterial district judge shall be contacted by personnel of the Mifflin County Correction Facility at 8:00 a.m., 2:30 p.m. and 10:30 p.m. each day and advised if any individual has been temporarily detained. Any individual so detained shall be promptly preliminarily arraigned through the use of advanced communication technology or in person if so direct by the magisterial district judge.

(iii) Between the hours of 11:00 p.m. and 8:00 a.m. the following day, any individual placed under arrest and requiring preliminary arraignment shall be temporarily detained at the Mifflin County Correctional Facility. Individuals so detained shall be made available at the video conferencing site by 8:30 a.m. the following morning or in person at the discretion of the magisterial district judge. In the event of technological failure or at the direction of the on-call magisterial district judge, the individual shall be transported by officials of the Mifflin County Correctional Facility, the sheriff, or a Pennsylvania state constable to the office of the magisterial district judge for the preliminary arraignment.

(4) *Summary Offense Arrest Warrants and Bench Warrants*

(a) An individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Pa.R.Crim.P. 430 and 431 except as set forth hereafter.

(b) In the event the warrant is executed between 8:00 a.m. and 11:00 p.m. Saturdays, Sundays, and holidays, the individual executing the warrant shall proceed in accordance with paragraph 3(a)(ii) above except that any trial must be held in the presence of the defendant unless the defendant consents to the use of advanced communication technology.

(c) In the event the warrant is executed between the hours of 11:00 p.m. and 8:00 a.m. the following day, the individual executing the warrant shall proceed in accordance with paragraph 3(a)(iii) above except that any trial must be held in the presence of the defendant unless the defendant consents to the use of advanced communication technology.

- (d) If the defendant is under 18 years of age and is unable to pay under Pa.R.Crim.P. 431(B)(1)(c) or Pa.R.Crim.P. 431(C)(1)(d), the defendant shall NOT be temporarily detained in the Mifflin County Correctional Facility, but shall be taken without unnecessary delay before the on-call magisterial district judge to plead on the case. If the defendant pleads guilty, the magisterial district judge shall impose sentence and release the defendant. If the defendant pleads not guilty, the magisterial district judge shall hold an immediate trial. If an immediate trial cannot be given, the Defendant shall be released.

BY THE COURT:

TIMOTHY S. SEARER  
PRESIDENT JUDGE

- c: Administrative Office of Pennsylvania Courts, (Seven certified copies)  
Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 1500  
P.O. Box 61260, Harrisburg, PA 17106-1260
- Legislative Reference Bureau, (Two certified copies and one electronic copy)  
641 Main Capitol Building, Harrisburg 17120-0001
- Civil Procedure Rule Committee, (One certified copy)  
Pennsylvania Judicial Center, 601 Commonwealth Ave., Suite 6200  
P.O. Box 62635, Harrisburg, PA 17120-2635
- Mifflin County Prothonotary
- File