

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT
TRAFFIC DIVISION**

In Re: Order rescinding and replacing Philadelphia Traffic Court Local Rule 1036 and adopting new Municipal Court Traffic Division Local Rules 1036 and 1037, and amending current Traffic Court Local Rules 106, 120, 121, 454, 1030, 1031, 1032, 1033, 1034 and 1035

**Administrative Order
No. 01 of 2014**

ORDER

AND NOW, this 8th day of May, 2014, upon consideration of the order of the Supreme Court of Pennsylvania dated May 7, 2014, which rescinded and replaced Pa.R.Crim.P. 1036 and adopted new Pa.R.Crim.P. 1036, amended Pa.Rules Crim.P. 105, 1000, 1030, 1031, 1032, 1033, 1034, 1035, and 1037 and approved the revision of the *Comments* to Pa.Rules Crim.P. 103, 140, 141, 142, 431, 441, 462, 1001, and 1002 in order to implement the provisions of Act 17 of 2013, it is hereby ORDERED, ADJUDGED and DECREED that the above referenced Philadelphia Traffic Court Local Rules are rescinded, adopted and amended as set forth in the attached exhibit.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. As required by Pa.R.Crim.P. No. 105 (D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the rules adopted or amended by this Order are not inconsistent with any general rule of the Supreme Court. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. This Order will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Gary S. Glazer

**Honorable Gary S. Glazer
Administrative Judge
Philadelphia Municipal Court
Traffic Division**

5-08-14

**Philadelphia ~~Traffic Court~~
Municipal Court Traffic Division Local Rules**

LOCAL RULE 106. CONTINUANCE POLICY

(a) General Rule. All continuance requests shall:

- (1) be in writing, on a court-approved form, ~~(see form which follows this Local Rule)~~ reference substantially in the format set forth below;
- (2) include the citation number and the ~~defendant's driver license number;~~
~~——(2) identify the~~ date, time, and, if applicable, the courtroom it is listed for; and
- (3) specifically state the reasons for the request.

Documentation substantiating the request for the continuance (i.e. proof of necessary hospitalization, pre-paid vacation, military service, etc.) must be submitted.

(b) Timing of request. All requests for continuance must be received by the Philadelphia Municipal Court Traffic ~~Court~~Division at least 48 hours before the date set for the trial or hearing. A later request shall only be granted if the defendant or defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it.

(c) Address Where Continuance Requests are to Be Mailed or Delivered. All requests for continuances are to be mailed or delivered to the Philadelphia Municipal Court Traffic ~~Court~~Division, 800 Spring Garden, Philadelphia, PA 19123. All requests for continuances shall be assigned to the Administrative Judge or his/her designee who shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

(d) Requests For Continuance on the Trial Date. All requests for continuances on the day of the summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge ~~;~~ or Traffic Division hearing officer. All such requests shall be denied unless the defendant or the defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it. The presiding judge ~~;~~ or Traffic Division hearing officer shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

COMMENT: Continuance requests must be made timely to enable the Court to review and properly rule on them. The Court may entertain written requests from unrepresented parties if not made on the court-approved form as long as the required information is provided. Documentations ought to be provided as necessary. Continuance requests may be disposed administratively.

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; ~~amended on May 8, 2014, effective~~ _____, 2014.

REQUEST FOR CONTINUANCE FORM**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC COURT DIVISION**

Commonwealth of Pennsylvania : Citation No(s).
 vs. :
 _____ :
 Defendant :

REQUEST FOR CONTINUANCE

Defendant's Name			Date of Birth	
Address		City	State	Zip
Name of Defendant's Attorney (If any)				Attorney ID #
Office Address		City	State	Zip
Electronic Mail Address of Attorney:				
Date of Trial-Hearing	Time	Courtroom (If Available)	<input type="checkbox"/> Check Box if a Scheduling Order was issued for the trial/hearing being continued.	
Reason for Request for Continuance (Attach all necessary documentation)				

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

 Signature of Defendant/ Defendant's Attorney

Date: _____

ORDER

Continuance Granted. Reason:

Continued Date	Time	Courtroom	Location 800 Spring Garden Street Philadelphia, PA
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Continuance Denied. Reason:

BY THE COURT:

Date: _____

TRAFFIC COURT HEARING OFFICER/JUDGE

LOCAL RULE 120. ATTORNEYS – APPEARANCES AND WITHDRAWALS**(a) Entry of Appearance.**

(1) Counsel for defendant shall file with the *Attorney Filing Unit* an entry of appearance, (see form which follows this Local Rule), identifying the citations for which counsel has been retained. The entry of appearance shall include the attorney's office address and electronic mail address, phone number, and the Supreme Court attorney identification number. An entry of appearance seeking to limit representation to a specific hearing shall not be accepted.

(2) When counsel is appointed pursuant to Pa.R.Crim. P. 1035, Appointment of Counsel, the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be provided any defendant information unless an Entry of Appearance is filed with the *Attorney Filing Unit*.

(4) An attorney who has been retained by a defendant and entered an appearance as provided in this rule shall continue such representation in the Traffic ~~Court~~Division until granted leave to withdraw by the court pursuant to paragraph (b). An attorney who has been appointed by the court pursuant to Pa.R.Crim. P. 1035 shall continue representation as provided in Local Rule 1035.

(b) Withdrawal of Appearance. Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing (see form which follows this Local Rule), or may be made orally in open court in the presence of the defendant. The Court may grant the request to withdraw when new counsel enters an appearance, when new counsel is appointed to represent the defendant, or when the defendant intelligently waives the right to counsel.

COMMENT: The entry of appearance process has been problematic in Traffic ~~Court~~Division proceedings. This Local Rule is designed to advise all parties that counsel must enter an appearance as a precondition to representation of Traffic ~~Court~~Division defendants. Traffic ~~Court~~Division will not provide defendant information to counsel until an entry of appearance is filed. Counsel is not permitted to enter an appearance for a limited purpose –i.e. representation for a warrant hearing, or impoundment hearing and the like. Rather, counsel must enter an appearance in connection with all proceedings in the Traffic ~~Court~~Division and must officially withdraw from the case to be relieved of further legal obligations at the Traffic ~~Court~~Division level.

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; ~~amended on May 8, 2014, effective~~ _____, 2014.

ENTRY OF APPEARANCE FORM

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC ~~COURT~~ DIVISION

ENTRY OF APPEARANCE

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

_____ *Driver's License Number* *Date of Birth:* _____
Defendant's Name

TO THE CLERK OF COURT:

Enter my appearance for Defendant in connection with the above citations.

Name of Attorney (Please Print): _____

Office Address of Attorney: _____

Electronic Mail Address of Attorney: _____

Phone Number: _____ *Attorney I.D. No.:* _____

Signature of Attorney *for Defendant:* _____ *Date:* _____

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC ~~COURT~~DIVISION**

Commonwealth of Pennsylvania : Citation No(s).
 vs. :
 _____ :
 Defendant :

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL

Defendant's Name		Date of Birth	
Address	City	State	Zip
Name of Defendant's Attorney			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial	Time	Courtroom (If Available)	
Reason for Request to Withdraw (Attach all necessary documentation)			
Defendant's Position			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: _____

 Signature Defendant's Attorney

ORDER

Counsel's request to withdraw as counsel for the Defendant is:

- Granted. Reason:
- Denied. Reason:

BY THE COURT:

Date: _____

~~TRAFFIC COURT~~ HEARING OFFICER/JUDGE

LOCAL RULE 121. WAIVER OF COUNSEL.

The Waiver of Counsel Form executed by a defendant pursuant to Pa.R.Crim.P. 121 shall be as follows:

WAIVER OF COUNSEL FORM

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
~~IN THE PHILADELPHIA~~ MUNICIPAL COURT ~~TRAFFIC COURT~~ DIVISION
WAIVER OF COUNSEL

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

Defendant's Name

~~Driver's License Number~~ Date of Birth:

I hereby state and affirm that I have been advised ~~of~~ and that I understand that:

I have the right to be represented by counsel, and the right to have ~~an attorney~~ free counsel appointed if I cannot afford one;

~~that~~; if I am convicted my operating privileges license could be suspended, and that if I am convicted I may receive a prison sentence

~~(Check; if applicable)~~ I waive the right to counsel, I will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules; there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently; and that, in addition to defenses, that I may have many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by me, these errors may be lost permanently.

and I choose to act as my own attorney in connection with the summary trial or hearing for the citation(s) listed above. I further state and affirm that my waiver is made knowingly, voluntarily, and intelligently.

Defendant

Date

I certify that the defendant's waiver was made knowingly, voluntarily and intelligently.

Date: _____

Note: Adopted December 21, 2005, published in the Pennsylvania Bulletin on December 31, 2005, and effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

**LOCAL RULE 454. TRIAL IN SUMMARY CASES. ROLE OF THE AFFIANT.
SENTENCING ORDERS**

(a) **Summary Trial.** ~~The Traffic Court judge shall conduct~~ The summary trial shall be conducted by Traffic Division judges and hearing officers as provided by Pa.R.Crim.P. 454 and 1036. At the conclusion of the summary trial, the judge or hearing officer shall sign the docket of the Traffic ~~Court~~Division, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic ~~Court~~Division.

(b) **Evidence.** ~~Representative or Designee of the Issuing Law Enforcement Officer or Agency.~~

(1) The law enforcement officer who issued or filed the citation (~~the “affiant”~~) need not appear for the summary trial. The ~~allegations~~ defendant shall be advised of the charges in the citation ~~may be recited on behalf of the issuing law enforcement officer, and that individual is authorized to ask questions of any witness who testifies.~~

(2) ~~In addition to any law enforcement officer,~~ Any authorized user of the Pennsylvania Justice Network (“JNET”), may produce and offer to the Court athe defendant’s certified driving record, as necessary.

(3) ~~At any time before~~ The attorney for the Commonwealth may appear and assume charge of the completion prosecution or, when no attorney appears on behalf of the Commonwealth, an affiant may assume charge of the ~~summary trial or acceptance of a guilty plea, the representative or designee of the issuing law enforcement officer or agency~~ prosecution and may be permitted to ask questions of any witness who testifies. Such affiant may request, in open court, that the Traffic ~~Court~~Division judge ~~for permission to withdraw or hearing officer permit the withdrawal of~~ one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic ~~Court~~Division or hearing officer judge authorizes the withdrawal of one or more of the charges, ~~the Traffic Court judge shall record~~ such withdrawal(s) shall be noted on the docket of the Traffic ~~Court~~Division.

(c) **Sentencing Orders.** Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic ~~Court~~Division judges and hearing officers shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of athe sentence.

COMMENT: Unless otherwise required, for purposes of conducting summary trials and proceedings under Title 75, the Municipal Court Traffic Division is a court not of record and neither a court reporter or other electronic means shall be used to record or transcribe the testimony except as provided in Pa.R.Crim.P. 112. The Traffic Division may, however, direct that proceedings conducted before hearing officers be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.

Note: Adopted December 21, 2005, published in the Pennsylvania Bulletin on December 31, 2005, and effective on February 1, 2006; amended on May 8, 2018, effective , 2014.

SENTENCING ORDER FORMS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC COURT DIVISION**

Commonwealth of Pennsylvania vs. Defendant A/K/A _____	Judge _____
	Courtroom _____
	Citation Number(s) _____
PP#	Date of Birth

**ORDER IMPOSING SENTENCE
(Default of Payment Plan – Pa.R.Crim.P. No. 456)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously ordered to pay certain fines and costs in connection with the above-referenced Traffic Citations, as disclosed on the attached print-out.

~~AND NOW,~~ After a hearing, the Court finds that Defendant has, and had, the financial ability to pay as previously ordered by the Traffic Court, but failed to pay as ordered. ~~NOW, THEREFORE,~~ The Court finds that Defendant owes the sum of \$ _____ ~~in connection with~~ the ~~following above listed~~ citations :

and is sentenced to serve a minimum of _____ days and a maximum of _____ days ~~Concurrent~~ or ~~Consecutive (Check one if applicable)~~ at the following facility:

Credit in the sum of \$40 per day served shall be given pursuant to 75 Pa.C.S. § 6503.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* on the issue of Defendant’s Contempt, financial ability to pay, and the propriety of the sentence imposed in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Philadelphia Municipal Court Traffic Court Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, **Traffic Court Division**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 ~~Court-~~ _____, Esquire is appointed ~~Counsel—provided:~~ _____, ~~Esquire, and~~ to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration. provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER: **BY THE COURT:**

_____ **BY THE COURT**

Defendant _____ Date _____

TRAFFIC COURT JUDGE

_____ Attorney _____ Date _____

ORDER IMPOSING SENTENCE – MANDATORY SENTENCE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania vs. <hr/> <div style="text-align: right;">Defendant</div> A/K/A _____	Judge _____ Courtroom _____ Citation Number(s) _____
PP# _____	Date of Birth _____

ORDER IMPOSING SENTENCE
(Mandatory Sentence – 1543(b)(1))

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of violating 75 Pa.C.S. § 1543(b) (1);

~~NOW, THEREFORE,~~ Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days ~~Concurrent~~ or ~~Consecutive (Check one if applicable)~~ at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the ~~Traffic~~Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the ~~Municipal Court~~ Traffic Court ~~Division~~ will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, ~~Traffic Court~~ Traffic Division, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 ~~Court~~ _____, Esquire is appointed ~~Counsel—provided:~~ _____, Esquire, ~~and~~ to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration— provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

~~BY THE COURT:~~

~~BY THE COURT:~~

Defendant _____ Date _____

~~TRAFFIC COURT JUDGE~~

Date: _____

Attorney _____ Date _____

JUDGE

ORDER IMPOSING SENTENCE – MANDATORY SENTENCE – SIXTH OR MORE

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT ~~TRAFFIC~~DIVISION**

Commonwealth of Pennsylvania vs.	Judge _____
_____ Defendant	Courtroom _____
A/K/A _____	Citation Number(s) _____
PP# _____	Date of Birth _____

**ORDER IMPOSING SENTENCE
(Mandatory Sentence – Sixth or More 1543(a))**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of six or more violations of 75 Pa.C.S. § 1543(a), as disclosed on the attached print-out.

NOW, THEREFORE, Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days **Concurrent** or **Consecutive (Check one if applicable)** at the following facility:

Defendant is not entitled to the credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic CourtDivision, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Municipal Court Traffic CourtDivision will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, Traffic CourtDivision, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 ~~Court~~ _____, Esquire is appointed ~~Counsel~~ **provided:** _____, Esquire, ~~and~~ to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration— provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

~~BY THE COURT:~~

Defendant _____ Date
~~TRAFFIC COURT JUDGE~~

BY THE COURT:

Date _____ JUDGE _____ Date: _____ Attorney

ORDER IMPOSING SENTENCE – SUBSEQUENT CONVICTIONS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT ~~TRAFFIC~~DIVISION**

Commonwealth of Pennsylvania vs.	Judge
	Courtroom
A/K/A _____ Defendant	Citation Numbers
PP#	Date of Birth

**ORDER IMPOSING SENTENCE
(Subsequent Convictions – 75 Pa.C.S. § 6503)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously convicted of violating 75 Pa.C.S. §§ 1501(a); 1543(a); 3367; 3733; 3734; or 3748 as disclosed on the attached print-out. Defendant has today plead guilty or been convicted of violating 75 Pa.C.S. §

_____. NOW, THEREFORE, pursuant to 75 Pa.C.S. § 6503, in addition to the fines and costs imposed as a result of the conviction of the above violation, Defendant is sentenced to pay fines and costs in the sum of \$_____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (*Check one if applicable*) at the following facility:

Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the **Municipal Court Traffic ~~Court~~Division**, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, **and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.**

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, **Traffic ~~Court~~Division**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 ~~Court~~ _____, Esquire is appointed ~~Counsel~~ **provided:** _____, **Esquire, and to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035.** Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration, provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

BY THE COURT:

Defendant

Date

TRAFFIC COURT

Date:

JUDGE

Attorney

Date

COMMITMENT ORDER

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC COURT DIVISION**

Commonwealth of Pennsylvania vs.	Judge _____ Courtroom _____ Citation Number(s) _____
_____ Defendant A/K/A _____	
PP#	Date of Birth

COMMITMENT

AND NOW, this _____ day of _____, 20____, the Court having been informed that Defendant has not appealed this Court's Order Imposing Sentence dated _____ for _____, a copy of which is attached to this Commitment, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court's sentence as set forth in the above-referenced Order Imposing Sentence shall commence to be served by the Defendant immediately.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

BY THE COURT:

Defendant _____ Date _____

TRAFFIC COURT _____

Date: _____

JUDGE

Attorney _____ Date _____

LOCAL RULE 1030. SCOPE OF SUMMARY TRAFFIC COURT RULES.

The local rules that follow complement Chapter 10, Part B. of the Pennsylvania Rules of Criminal Procedures, Philadelphia Municipal Court Traffic ~~Court~~Division Rules, Pa.R.Crim. P. 1030 et seq., and the rules referenced thereto, and are intended to identify for counsel and unrepresented parties the procedural rules applicable to the Traffic ~~Court~~Division's proceedings in Philadelphia County. These rules are referenced herein as "Local Rules" and shall be cited as "Phila.T.CD.L.R. ___."

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

LOCAL RULE 1031. INSTITUTION OF PROCEEDINGS IN SUMMARY TRAFFIC CASES.

(a) Issued Citations. Scheduling of Summary Trial. Notice To Appear. Service. As authorized by Pa.R.Crim. P. 1031(B), the citation issued to a defendant pursuant to Pa.R.Crim.P. 405 shall contain the date, time and location of the summary trial. As authorized by Pa.R.Crim.P. 451(A), service shall be made by the issuing law enforcement officer who shall hand a copy of the citation containing the Notice to appear to the defendant.

(b) Filed Citations. Scheduling of Summary Trial. Notice To Appear. Service. A citation filed pursuant to Pa.R.Crim.P. 410 et seq. shall contain the date, time and location of the summary trial. Service shall be made as set forth in Pa.R.Crim.P. 451 (B). If the defendant fails to appear for a summary trial scheduled by first class mail, the hearing will be ~~re-scheduled~~ and rescheduled the defendant shall be served personally or by ~~certified~~registered mail ~~or personal service.~~, return receipt requested.

(c) Form of the Citation. The citation issued to the Defendant shall be substantially as the form which follows this Local Rule, and as may be otherwise modified from time to time.

(d) Citations Which Do Not Contain A Hearing Date. If a law enforcement officer does not enter the date, time and location on a citation issued pursuant to subsection (a), or if the hearing is scheduled for a non-court day, the court shall schedule or reschedule the summary trial and send a notice of trial by first class mail ~~to the defendant's last known address.~~

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic ~~Court~~Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic ~~Court~~Division, whichever is later.

Note: Adopted December 21, 2005, published in the Pennsylvania Bulletin on December 31, 2005, and effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

CITATION

COMMONWEALTH OF PENNSYLVANIA

PHILADELPHIA MUNICIPAL COURT
TRAFFIC DIVISION
800 SPRING GARDEN STREET
P.O. BOX 58301
PHILADELPHIA, PA 19150-8301

TRAFFIC CITATION

CONSECUTIVE
BARCODE AREA

1. CITATION NUMBER		2. C.D.L.	3. STATE	4. C.D.M.	5. SEX
		<input type="checkbox"/> PA	<input type="checkbox"/> PA		<input type="checkbox"/> M <input type="checkbox"/> F
6. DEFENDANT NAME - FIRST		MIDDLE	LAST		8. COMB. VEH.
					<input type="checkbox"/> YES <input type="checkbox"/> NO
7. DEFENDANT STREET ADDRESS					
8. CITY					
9. STATE				10. ZIP CODE	
<input type="checkbox"/> PA					
11. OVERLICENSED OR GARNER NAME (if different from defendant)			11a. IDENTIFICATION SOURCE		
			<input type="checkbox"/> Drivers License <input type="checkbox"/> Defendant		
12. OVERLICENSED OR GARNER ADDRESS (if different from defendant)			<input type="checkbox"/> Non Drivers License <input type="checkbox"/> DMV		
			<input type="checkbox"/> Other		
13. VEHICLE REG. NO.	14. REG. YR.	15. STATE	16. MAKE	17. TYPE	18. COLOR
		<input type="checkbox"/> PA			
19. VEHICLE REG. NO.	20. REG. YR.	21. STATE	22. MAKE	23. TYPE	24. COLOR
		<input type="checkbox"/> PA			
SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.					
VIOLATION TYPE				TOTAL DUE: \$ (paid within 10 days of issuance)	
25. <input type="checkbox"/> Vehicle Code		<input type="checkbox"/> Filed on Information Received		<input type="checkbox"/> Active Work Zone	
<input type="checkbox"/> Ordinance		<input type="checkbox"/> Lab Services Requested		<input type="checkbox"/> Safety Corridor	
26. CHARGE SECTION & SUBSECTION					
27. NATURE OF OFFENSE					
28. SPEED TIME		29. SPEED ALLOWED		30. WEIGHT PERMITTED	
				Ets.	
31. FOLLOWED		32. TIME		33. SPEED EQUIP. SERIAL NO.	
				34. SPEED DETECT. EQUIP. TYPE	
				37. STAT. EQUIP. TYP.	
35. DATE EQUIP. TEST.		36. ACC. ADJUSTMENT. NO.		38. LOCATION OF EQUIPMENT	
		<input type="checkbox"/> YES			
39. OFFENSE CODE		40. DIR. OF TRAVEL		41. WEATHER CONDITIONS	
		N E E W			
42. OFFENSE DATE		43. DAY		47. TIME	
				<input type="checkbox"/> AM <input type="checkbox"/> PM	
NOTICE TO APPEAR					
YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:					
48. MONTH		49. DAY		50. YEAR	
				201	
51. TIME		52. AM		53. PM	
		<input type="checkbox"/>		<input type="checkbox"/>	
LOCATION: 800 Spring Garden Street Philadelphia, PA 19123					
<p>You must plead guilty or Not Guilty within 10 days of receipt of the citation (see the Reverse side of the Citation). If within 10 days of receipt of the citation you enter a guilty plea and pay the fine and costs indicated on the citation, the summary trial will be canceled. If you are charged with a violation of 75 Pa.C.S. § 1543 or any other violation that provides for the imposition of a prison sentence, you must appear on the above date with counsel. If you fail to appear for the trial, you are consenting to the trial in your absence. If you are found guilty the collateral deposited will be forfeited and applied toward your fines and costs. Within 30 days of the entry of a guilty plea or adjudication of guilt you have the right to appeal for a trial de novo in the Court of Common Pleas.</p> <p>I have served a copy of this Citation on the Defendant. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of Section 4924 of the Crime Code (18 Pa.C.S. § 4924) relating to the unsworn falsification to authorities.</p>					
OFFICER'S SIGNATURE			BADGE NO.		
54. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION				55. DATE	
X				<input type="checkbox"/> ISSUED <input type="checkbox"/> FILED	
56. DEFENDANT ADDRESS		57. ZIP CODE		58. LAW ENFORCEMENT AGENCY	
				<input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> DRPA <input type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input type="checkbox"/> Other	
59. JUVENILE		60. PARENTS RECEIVED		61. COMM. VEH.	
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> HAZ. MAT. <input type="checkbox"/> SCHOOL VEH. <input type="checkbox"/> 16 PASS VEH. <input type="checkbox"/>	
62. REMARKS					
63. TOTAL DUE (if paid within 10 days of issuance)		64. SECTION 18133		65. DATE	
				MM XXXXXX-X	
NOTICE					
<p>If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to: 75 Pa.C.S. §§ 1371, 1341, 1345, 1347, 1374, 1376, subsequent convictions of 75 Pa.C.S. § 1531, a violation of 75 Pa.C.S. § 3261 when occurring in an active work zone and an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3262 when occurring in an active work zone.</p> <p>*Total Amount to be determined by Municipal Court, Traffic Division.</p> <p>ACPCA-2005 MUNICIPAL COURT, TRAFFIC DIVISION 7-147 (Rev. 1/2014)</p>					

LOCAL RULE 1032. PLEAS IN RESPONSE TO CITATION. FAILURE TO TIMELY PLEA OR PAY THE REQUISITE COLLATERAL.

(a) General Rule. A defendant must enter a plea within ten days after issuance of the citation as required by Pa.R.Crim. P. 407 regardless of whether the citation issued to the defendant contains a summary trial hearing date.

(b) Not Guilty Plea. The defendant may plead not guilty in person at the Traffic ~~Court~~Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic ~~Court~~Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation. The summary trial will be held on the date assigned pursuant to Local Rule 1031. No additional Notice of Trial shall be required to advise the defendant of the summary trial date unless the summary trial scheduled pursuant to Local Rule 1031 is rescheduled by the Philadelphia Municipal Court Traffic ~~Court~~Division.

(c) Guilty Plea.

(1) Except as provided in paragraph (c)(2), the defendant may plead guilty in person at the Traffic ~~Court~~Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic ~~Court~~Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation.

(2) If the defendant has been cited for violation of 75 Pa.C.S. § 1543 (B), and other violations which require the imposition of a prison sentence upon a guilty plea or adjudication, the defendant may not plead guilty by mail or electronically, and the summary trial will be held as scheduled, unless it is rescheduled by the Court.

(3) Any notice which reschedules a summary trial shall be mailed to the defendant, by first class mail, at the Defendant's last known address. A bench warrant shall be issued if the defendant fails to appear for the summary trial.

(d) Failure to Timely Plea or Post the Requisite Collateral. As required by Pa.R.Crim.P. 430, a warrant for the arrest of a defendant shall be issued if a defendant fails to enter a plea within ten days after the issuance of a citation. Moreover, the defendant's operating privileges may be suspended pursuant to 75 Pa.C.S. § ~~1033~~1533, and a late fee will be assessed; if the defendant fails to file a plea within ten days after issuance of the citation. A written notice of suspension, issuance of arrest warrant, or imposition of late fee shall be sent to the defendant, by first class mail, at the defendant's last known address.

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic ~~Court~~Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic ~~Court~~Division, whichever is later.

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; ~~amended on May 8, 2014, effective~~ , 2014.

LOCAL RULE 1033. PROCEDURES WHEN DEFENDANT ARRESTED WITH WARRANT.

(a) Defendant Arrested During the Traffic Court's Division's Hours of Operation.

(1) A defendant arrested pursuant to a Traffic Court Division warrant shall be brought to the Traffic Court Division as soon as practicable after being processed provided the Traffic Court Division is open.

(2) A warrant hearing shall be conducted promptly by a Traffic Court Division judge or hearing officer ~~appointed pursuant to Local Rule 1036~~ to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Court Division warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, ~~the Traffic Court Judge or hearing officer shall: and the defendant does not have a history of failure to appear for Traffic Division hearings:~~

~~(A) (A) the Traffic Division judge or hearing officer shall~~ schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule~~;~~:

(B) the defendant shall be released unless collateral has been ordered and ~~is~~ has not ~~been~~ posted~~;~~ and

(C) if the defendant is ordered to post collateral and the collateral ~~is~~ has not ~~been~~ posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(iii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does have a history of failure to appear for Traffic Division hearings, especially after personal service of a citation or scheduling hearing, the Traffic Division judge or hearing officer shall schedule the summary trial or hearing without unnecessary delay, but in no event more than 72 hours from the date of the bench warrant hearing or, if the 72 hours expire on a non-business day, no later than the close of the next business day, and the defendant may be held in custody pending the rescheduled hearing. For purposes of this subsection, the term "history of failure to appear" shall mean that the defendant has failed to appear for at least two (2) Traffic Division hearings despite service of a date certain citation or notice personally on the defendant.

(b) **Defendant Arrested While the Traffic CourtDivision is Closed.** A defendant arrested pursuant to a Traffic CourtDivision warrant while the Traffic CourtDivision is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court Bail Commissionerarraignment court magistrate shall be substantially asin the form which follows this Local Rule.

COMMENT: Pa.R.Crim P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Court of Division or at the Bail Acceptance Unit at the Justice Juanita Kidd Stout Center for Criminal Justice-Center, which is open around the clock, every day, including holidays.

The standard Scheduling Orders for Summary Trials and Default Hearing place the defendant on notice that that a defendant's failure to appear will result in the issuance of a bench warrant and when the defendant is arrested, the hearing will be rescheduled and the defendant will be held in custody until the rescheduled hearing date.

Subsection (a)(2)(iii) was added to clearly set forth the maximum amount of time a defendant who has a history of failure to appear for a Traffic Division hearing or trial despite personal service of the hearing date can be held pending the rescheduled hearing date in the event a hearing or trial cannot be held on the day the defendant is brought to the Traffic Division for a warrant hearing. The time period provided in the new subsection is the same as that provided in Pa.R.Crim.P. 150.

It is anticipated that most of the summary trials or hearings will be held on the same day the defendant is arrested and brought to the Traffic Division on a warrant issued due to the defendant's failure to appear. Some defendants may have such large number of outstanding traffic citations and citations which are in default of a payment which will require some time to compile the required records and to obtain the required certified record from the Pennsylvania Department of Transportation. Nonetheless, the Traffic Division can reasonably do so within the requisite 72 hour period or release the defendant pending a future scheduled date if it is unable to do so.

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; amended on effective _____, 2014.

SCHEDULING ~~ORDERS~~ ORDER FORMS

SCHEDULING ORDER (SUMMARY TRIAL)

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC COURT DIVISION**

Commonwealth of Pennsylvania vs. Defendant A/K/A _____ PP# _____	Judge _____ Courtroom _____ Citation Numbers Date of Birth _____
--	--

**SCHEDULING ORDER
(Summary Trial)**

AND NOW, this _____ day of _____ A.D. 20____, IT IS HEREBY ORDERED that a Summary Trial is scheduled in connection with the traffic citations listed above and Defendant is **ORDERED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Municipal Court Traffic CourtDivision**, 800 Spring Garden Street, Philadelphia, PA.

The Defendant shall be released on his/her own recognizance pending the above scheduled summary trial.

The Defendant shall be released prior to the above summary trial date upon the posting the sum of \$ _____ as collateral for outstanding traffic citations. **Provided, however, that if the above rescheduled hearing date exceeds 72 hours from today, if the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.**

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled summary trial. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District’s Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver’s License, DPW card, pay stubs etc. at the time of the interview.

The Bench Warrant issued for the Defendant’s arrest is withdrawn.

Defendant’s failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:

_____ **BY THE COURT:**

_____ **BY THE COURT:**

Defendant _____ Date _____
TRAFFIC COURT JUDGE

_____ **HEARING OFFICER/JUDGE** Date: _____
Attorney _____ Date _____

SCHEDULING ORDER – DEFAULT HEARING

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs.	Judge _____
Defendant	Courtroom _____
A/K/A _____	Citation Numbers _____
PP#	Date of Birth _____

**SCHEDULING ORDER
(Default Hearing)**

AND NOW, this _____ day of _____ A.D. 20____, Defendant is **ORDERED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Municipal Court Traffic CourtDivision**, 800 Spring Garden Street, Philadelphia, PA, to determine, pursuant to Pa.R.Crim.P. 456, defendant’s ability to pay the outstanding fines and costs as previously ordered by the Traffic ~~Court~~CourtDivision, and to enter any appropriate order, including imposition of any sanctions provided by law. Defendant must provide appropriate documentation of his/her financial status.

Defendant shall be released on his/her own recognizance pending the above financial determination hearing.

The Defendant shall be released prior to the above ~~financial determination hearing~~ summary trial date upon ~~paying the posting~~ the sum of \$ _____ ~~towards the~~ _____ as collateral for outstanding traffic ~~Court fines~~ citations. Provided, however, that if the above rescheduled hearing date exceeds 72 hours from today, and the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled financial determination hearing. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District’s Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver’s License, DPW card, pay stubs etc. at the time of the interview.

The bench warrant issued for the Defendant’s arrest is withdrawn.

Defendant’s failure to appear on the above date will result in the issuance of a bench warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

_____ **BY THE COURT:**

Defendant _____ Date _____

_____ **BY THE COURT:**

_____ **TRAFFIC COURT JUDGE**

_____ **HEARING OFFICER/JUDGE**

Date: _____

Attorney _____ Date _____

SCHEDULING ORDER / COMMITMENT
(FTA after Scheduling Order Issued - BW Issued)

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT ~~TRAFFIC~~ DIVISION

Commonwealth of Pennsylvania vs.	Judge _____
Defendant	Courtroom _____
A/K/A _____	Citation Numbers _____
PP#	Date of Birth _____

SCHEDULING ORDER/COMMITMENT
(FTA after Scheduling Order Issued – BW Issued)

AND NOW, this ____ day of _____ 20____, due to Defendant’s failure to appear for a hearing or trial despite personal service of a Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the rescheduled hearing date which shall not exceed 72 hours from today, or no later than the close of the next business day if the 72 hours expire on a non-business day.

The summary trial or default hearing initially scheduled for _____ is rescheduled ~~for~~ to the next available date in light of the offenses charged and the court’s calendar to _____, 20 ____, at ____ AM/PM., in Courtroom _____, **Municipal Court Traffic Court**Division, 800 Spring Garden Street, Philadelphia, PA.

~~**Due to Defendant’s failure to appear on the date noted above, despite personal service of the Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the re-scheduled hearing date.**~~

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled hearing or trial. Counsel will be made available to Defendant on the rescheduled hearing date if the defendant is without financial resources or is otherwise unable to employ counsel.

The Bench Warrant issued for Defendant’s arrest due to Defendant’s failure to appear for the previously scheduled summary trial or hearing is withdrawn.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant.

YOU, THE KEEPER, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant _____ **Date** _____

Date:

HEARING OFFICER/JUDGE

Attorney _____ **Date** _____

SCHEDULING ORDER-COMMITMENT

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs.	Judge _____ Courtroom _____
Defendant A/K/A _____	Citation Numbers _____
PP# _____	Date of Birth _____

SCHEDULING ORDER/COMMITMENT

AND NOW, this _____ day of _____, 20____, due to defendant's failure to appear for a hearing or trial despite personal service of a Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the rescheduled hearing date which shall not exceed 72 hours from today, or no later than the close of the next business day if the 72 hours expire on a non-business day.

The summary trial or default hearing is scheduled for _____, 20____, at _____ AM/PM., in Courtroom _____, **Municipal Court Traffic Division**, 800 Spring Garden Street, Philadelphia, PA. which the undersigned represents is the most expeditions date in light of the offenses at issue.

Defendant may be released pending the hearing scheduled by this order upon the posting of \$ _____ as collateral. Provided, however, that if the rescheduled hearing date above exceeds 72 hours from today, if the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled hearing or trial. Counsel will be made available to Defendant on the re-scheduled hearing date if the defendant is without financial resources or is otherwise unable to employ counsel.

The Bench Warrant issued for Defendant's arrest due to Defendant's failure to appear for the previously scheduled summary trial or hearing is withdrawn.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant.

YOU, THE KEEPER, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

BY THE COURT:

TRAFFIC COURT

HEARING OFFICER/JUDGE Date: _____

Attorney Date

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA ~~TRAFFIC~~MUNICIPAL COURT
TRAFFIC DIVISION

ENFORCEMENT DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA : Citation Nos.

: PA MOTOR VEHICLE CODE

: DATE: _____

v. _____ : DATE: _____

_____ : PP

No. _____

_____ : Operator No. (PA) _____

_____ : SID _____

_____ :

Defendant : INTAKE

No. _____

COLLATERAL/FINES PAID: \$ _____

TO THE KEEPER OF:

_____ Philadelphia Prisons
_____ Police Department
_____ Other

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY/
IN THE PHILADELPHIA MUNICIPAL COURT**

BAIL ACCEPTANCE OFFICE

COMMONWEALTH OF PENNSYLVANIA Citation Nos. _____

VS.

_____ **Defendant** _____

Collateral/Fines Paid \$ _____

Processing Fee **\$5.00**

Total Paid \$ _____

To The Keeper Of:

_____ **Philadelphia Prisons**
_____ **Other**

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

Bail Acceptance Officer

COMMENTS:

LOCAL RULE 1035. APPOINTMENT OF COUNSEL.

Counsel shall be provided to Traffic CourtDivision defendants who qualify pursuant to Pa.R.Crim.P. 1035 as follows:

(a) Counsel will be appointed ~~by the office of the Traffic Court Administrative Judge~~ on a per diem basis to represent all Traffic CourtDivision defendants entitled to court-appointed counsel in connection with Traffic CourtDivision summary trials or hearings on the day of counsel's appointment. A separate appointment order, substantially in the form which follows this Local Rule, will be issued concerning each defendant represented by court-appointed counsel.

(b) Court-appointed counsel's appointment terminates at the conclusion of the Traffic CourtDivision hearing; however, in the event any defendant represented during such one day appointment is sentenced to a period of incarceration, counsel's appointment will continue for that defendant until final judgment (including any proceedings upon direct appeal) of such prison sentence.

(c) Court-appointed counsel's per diem compensation is \$200 for representing Traffic CourtDivision defendants at the Traffic CourtDivision level regardless of the number of defendants represented on the assigned day.

(d) Compensation for representing a defendant in connection with an appeal to the Court of Common Pleas (regardless of the number of citations issued to the defendant which are being appealed) shall be \$200.00.

(e) Court-appointed counsel shall be compensated \$300.00 per defendant for appeals to any appellate court from a prison sentence imposed by the Court of Common Pleas.

(f) The appointment of counsel constitutes authority for the defendant to proceed in forma pauperis and authorization to file pleadings without the payment of filing fees.

Note: Adopted December 21, 2005, ~~published in the Pennsylvania Bulletin on December 31, 2005, and~~ effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

FORM OF APPOINTMENT ORDER

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

IN THE TRAFFIC COURT OF PHILADELPHIA COUNTY MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania : **Citation Nos.**

vs. :

:

_____ :
Defendant

APPOINTMENT ORDER

AND NOW, this _____ day of _____, 200520, it appearing that there is a likelihood that imprisonment may be imposed at the conclusion of the Traffic Court summary trial or hearing, pursuant to Pa.R.Crim.P. 1035 and Phila.T.CD.L.R. 1035, _____, Esquire, is appointed to represent the Defendant in connection with the above citations.

This appointment is not transferable and is subject to the provisions set forth in Pa.R.Crim.P. 1035 and Phila.T.CD.L.R. 1035.

This order constitutes authority for the defendant to proceed in forma pauperis.

Appointed counsel certifies that counsel maintains a principal office in Philadelphia County pursuant to Administrative Governing Board Directive Number 2 of 1997.

Compensation shall be as ~~set forth~~established in Phila.T.CD.L.R. 1035.

BY THE COURT:

Traffic Court Administrative Judge

LOCAL RULE 1036. PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION HEARING OFFICERS

(A) Qualifications. A hearing officer:

(1) must be an attorney licensed to practice in the Commonwealth of Pennsylvania and must possess such experience and meet such additional requirements as may be provided by the Supreme Court of Pennsylvania in order to be employed as a hearing officer; or

(2) must complete a course of training and instruction in the duties of a Traffic Division hearing officer as may be established from time to time by the Philadelphia Municipal Court Traffic Division consistent with subsection (B) below.

(B) Training and Examination. A person selected by the Philadelphia Municipal Court Traffic Division as a prospective hearing officer pursuant to subsection (A)(2) above shall:

(1) complete an initial course of training and instruction of not less than twenty-four (24) hours in subject areas dealing with traffic laws, policies, rules and proceedings and must pass an examination administered by the Philadelphia Municipal Court Traffic Division or under its supervision and direction before assuming the position of Traffic Division hearing officer.

(2) Any person selected as a prospective hearing officer who does not complete the initial course of training and instruction, or who fails the examination, shall not be employed as a Traffic Division hearing officer.

(C) Continuing Education.

(1) All Municipal Court Traffic Division hearing officers shall complete a continuing education program each year equivalent to not less than eight (8) hours per year in such courses or programs as may be established from time to time by the Philadelphia Municipal Court Traffic Division.

(2) At the discretion of the Philadelphia Municipal Court Traffic Division, attendance at training courses conducted by or on behalf of the Minor Judiciary Education Board may satisfy the training requirements or continuing education requirements.

(3) The employment of any Traffic Division hearing officer who fails to meet the continuing education requirements shall be terminated.

(D) The appointment of any employee of the Municipal Court Traffic Division as a “Traffic Court hearing officer” pursuant to former Pa.R.Crim.P. 1036 (rescinded) and former Phila. T.C. Local Rule 1036 (rescinded) shall cease on [effective date of the new rules]. From time to time, the Court may direct any such former Traffic Court hearing officer to assist in issuing payment plans and releasing impounded vehicles.

NOTE: New Local Rule 1036 adopted May 8, 2014, effective _____, 2014.

LOCAL RULE 1037. APPEALS FROM TRAFFIC DIVISION ORDERS.

(a) (1) Notices of Appeal from Traffic Division proceedings are to be filed with the Philadelphia Municipal Court Traffic Division, which will accept them on behalf of the Office of Judicial Records, Criminal (formerly, the Clerk of Courts and Clerk of Quarter Sessions), at the following address:

Philadelphia Municipal Court Traffic Division
Appeals Unit
800 Spring Garden Street
Philadelphia, PA 19123

Upon receipt of the Notice of Appeal, the Traffic Division shall transmit the Traffic Division record to the Court of Common Pleas, Trial Division, Criminal pursuant to Pa.R.Crim.P. 460. The Notice of Appeal forms shall be posted on the website of the First Judicial District of Pennsylvania at www.courts.phila.gov/forms.

(2) On appeal, proceedings shall be held as provided in Pa.R.Crim.P. 1037. The Order to be issued by the Court of Common Pleas judge shall be substantially in the form provided hereunder.

(b) Motions to Appeal Nunc Pro Tunc and Notices of Appeal Nunc Pro Tunc shall also be filed with the Philadelphia Municipal Court Traffic Division which will transmit the record to the Court of Common Pleas, Trial Division, Criminal.

(c) Red Light Appeals. Traffic Division orders issued after de novo hearings authorized by 75 Pa.C.S. § 3116 (m)(4) for violations of Automated Red Light Enforcement Systems are appealable to the Court of Common Pleas, Trial Division, Civil.

(d) Appeals from Impoundment Orders. Notices of Appeal from orders issued upon Requests for Release of an Impounded Vehicle pursuant to 75 Pa.C.S. §§ 6309, 6309.1 and 6309.2 are to be filed with the Office of Judicial Records, Civil (formerly, the Prothonotary), electronically through the website of the First Judicial District at www.courts.phila.gov, or at the following address:

Office of Judicial Records, Civil
Room 296 City Hall
Philadelphia, PA 19107

NOTE: New Local Rule 1037 adopted May 8, 2014, effective _____, 2014.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS

Commonwealth of Pennsylvania	Docket No. CP-51- _____ - _____
vs.	:
	: <u>Traffic Citation(s) No.</u>
	:
<u>Defendant</u>	: <u>Appeal Hearing Date:</u>

ORDER - SUMMARY APPEAL

AND NOW, this _____ day of _____, 20____, it is hereby ordered, adjudged and decreed that:

APPEAL HEARING continued to: _____.

NOT GUILTY. Upon conclusion of the trial, the defendant is found NOT GUILTY. The Municipal Court Traffic Division shall apply any collateral posted by defendant to any fees, fines and costs owed by defendant and shall refund the balance, if any.

DEFENDANT FAILED TO APPEAR. MANDATORY SENTENCING. The defendant having failed to appear, the appeal is dismissed, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, a bench warrant is issued for the defendant’s arrest, and execution of the sentence shall commence immediately upon defendant’s arrest. This order shall authorize Defendant’s commitment. The defendant is sentenced to serve a period of incarceration as follows: a minimum of _____ days and a maximum of _____ days as more fully provided in the attached Municipal Court Traffic Division order.

DEFENDANT FAILED TO APPEAR. OTHER THAN MANDATORY SENTENCE. The defendant having failed to appear, the appeal is dismissed, and the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Traffic Division order. The defendant must pay in full the outstanding fines and costs totaling \$ _____ or contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days, or a warrant for defendant’s arrest will be issued.

APPEAL WITHDRAWN – The defendant having withdrawn the appeal, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Municipal Court Traffic Division order.

PLEA. NEGOTIATED PLEA. Defendant has negotiated a plea, or knowingly, intelligently and voluntarily entered a plea of GUILTY to the following Summary Violation(s), which is accepted by the Court:

Unless full collateral has already been posted, the defendant must pay in full within 24 hours all fines and costs associated with this GUILTY plea, in the sum of \$ _____, or as otherwise provided by the Municipal Court Traffic Division, and if not so paid the plea will be set aside and a hearing on the Appeal will be rescheduled by the Court.

GUILTY. MANDATORY SENTENCING. The defendant is found GUILTY, is ordered to pay within 30 days the sum of \$ _____ in fines and costs, and is sentenced to serve a period of incarceration as follows: a minimum of _____ days and a maximum of _____ days. The sentence is stayed for 30 days and unless a Notice of Appeal is filed, defendant shall appear for execution of sentence on _____, 2010 at _____ AM/PM in Courtroom _____, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA.

GUILTY. OTHER THAN MANDATORY SENTENCE. The defendant is found GUILTY, is ordered to pay \$ _____, or as otherwise provided by the Traffic Court, in fines and costs in full, or to contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days or a warrant for defendant’s arrest will be issued.

Jurisdiction is remanded to the Municipal Court Traffic Division pursuant to Pa.R.Crim.P. No. 1037.

BY THE COURT:

Judge

**Philadelphia Municipal Court
Traffic Division Local Rules**

LOCAL RULE 106. CONTINUANCE POLICY

(a) General Rule. All continuance requests shall:

- (1) be in writing, on a court-approved form substantially in the format set forth below;
- (2) include the citation number and the date, time, and, if applicable, the courtroom it is listed for; and
- (3) specifically state the reasons for the request.

Documentation substantiating the request for the continuance (i.e. proof of necessary hospitalization, pre-paid vacation, military service, etc.) must be submitted.

(b) Timing of request. All requests for continuance must be received by the Philadelphia Municipal Court Traffic Division at least 48 hours before the date set for the trial or hearing. A later request shall only be granted if the defendant or defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it.

(c) Address Where Continuance Requests are to Be Mailed or Delivered. All requests for continuances are to be mailed or delivered to the Philadelphia Municipal Court Traffic Division, 800 Spring Garden, Philadelphia, PA 19123. All requests for continuances shall be assigned to the Administrative Judge or his/her designee who shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

(d) Requests For Continuance on the Trial Date. All requests for continuances on the day of the summary trial or hearing shall be in writing, on the court-approved form, and shall be presented to the presiding judge or Traffic Division hearing officer. All such requests shall be denied unless the defendant or the defendant's attorney of record establishes that the cause for the continuance request did not previously exist, or that the defendant was not aware of the grounds for the request, or the interests of justice require it. The presiding judge or Traffic Division hearing officer shall rule on the request, in writing, and shall state the reasons for the grant or denial of the continuance.

COMMENT: Continuance requests must be made timely to enable the Court to review and properly rule on them. The Court may entertain written requests from unrepresented parties if not made on the court-approved form as long as the required information is provided. Documentations ought to be provided as necessary. Continuance requests may be disposed administratively.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

REQUEST FOR CONTINUANCE FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania : Citation No(s).
 vs. :
 _____ :
 Defendant :

REQUEST FOR CONTINUANCE

Defendant's Name			Date of Birth
Address	City	State	Zip
Name of Defendant's Attorney (If any)			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial-Hearing	Time	Courtroom (If Available)	<input type="checkbox"/> Check Box if a Scheduling Order was issued for the trial/hearing being continued.
Reason for Request for Continuance (Attach all necessary documentation)			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

 Signature of Defendant/ Defendant's Attorney

Date: _____

ORDER

Continuance Granted. Reason:

Continued Date	Time	Courtroom	Location 800 Spring Garden Street Philadelphia, PA
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Continuance Denied. Reason:

BY THE COURT:

Date: _____

 HEARING OFFICER/JUDGE

LOCAL RULE 120. ATTORNEYS – APPEARANCES AND WITHDRAWALS

(a) Entry of Appearance.

(1) Counsel for defendant shall file with the *Attorney Filing Unit* an entry of appearance (see form which follows this Local Rule), identifying the citations for which counsel has been retained. The entry of appearance shall include the attorney's office address and electronic mail address, phone number, and the Supreme Court attorney identification number. An entry of appearance seeking to limit representation to a specific hearing shall not be accepted.

(2) When counsel is appointed pursuant to Pa.R.Crim. P. 1035, Appointment of Counsel, the filing of the appointment order shall enter the appearance of appointed counsel.

(3) Counsel shall not be provided any defendant information unless an Entry of Appearance is filed with the *Attorney Filing Unit*.

(4) An attorney who has been retained by a defendant and entered an appearance as provided in this rule shall continue such representation in the Traffic Division until granted leave to withdraw by the court pursuant to paragraph (b). An attorney who has been appointed by the court pursuant to Pa.R.Crim. P. 1035 shall continue representation as provided in Local Rule 1035.

(b) Withdrawal of Appearance. Counsel for a defendant may not withdraw his or her appearance except by leave of court. The request shall be in writing (see form which follows this Local Rule), or may be made orally in open court in the presence of the defendant. The Court may grant the request to withdraw when new counsel enters an appearance, when new counsel is appointed to represent the defendant, or when the defendant intelligently waives the right to counsel.

COMMENT: The entry of appearance process has been problematic in Traffic Division proceedings. This Local Rule is designed to advise all parties that counsel must enter an appearance as a precondition to representation of Traffic Division defendants. Traffic Division will not provide defendant information to counsel until an entry of appearance is filed. Counsel is not permitted to enter an appearance for a limited purpose –i.e. representation for a warrant hearing, or impoundment hearing and the like. Rather, counsel must enter an appearance in connection with all proceedings in the Traffic Division and must officially withdraw from the case to be relieved of further legal obligations at the Traffic Division level.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

ENTRY OF APPEARANCE FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

ENTRY OF APPEARANCE

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

Defendant's Name

Date of Birth: _____

TO THE CLERK OF COURT:

Enter my appearance for Defendant in connection with the above citations.

Name of Attorney (Please Print): _____

Office Address of Attorney: _____

Electronic Mail Address of Attorney: _____

Phone Number: _____ *Attorney I.D. No.:* _____

Signature of Attorney: _____ *Date:* _____

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania : Citation No(s).
 vs. :
 _____ :
 Defendant :

REQUEST FOR LEAVE TO WITHDRAW AS COUNSEL

Defendant's Name		Date of Birth	
Address	City	State	Zip
Name of Defendant's Attorney			Attorney ID #
Office Address	City	State	Zip
Electronic Mail Address of Attorney:			
Date of Trial	Time	Courtroom (If Available)	
Reason for Request to Withdraw (Attach all necessary documentation)			
Defendant's Position			

I verify that the statements made herein are true and correct, and that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date: _____

 Signature Defendant's Attorney

ORDER

Counsel's request to withdraw as counsel for the Defendant is:

- Granted. Reason:
- Denied. Reason:

BY THE COURT:

Date: _____

 HEARING OFFICER/JUDGE

LOCAL RULE 121. WAIVER OF COUNSEL.

The Waiver of Counsel Form executed by a defendant pursuant to Pa.R.Crim.P. 121 shall be as follows:

WAIVER OF COUNSEL FORM

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION
WAIVER OF COUNSEL**

Commonwealth Of Pennsylvania
vs.

Citation Number(s):

Defendant's Name

Date of Birth: _____

I hereby state and affirm that I have been advised and that I understand that:

I have the right to be represented by counsel, and the right to have free counsel appointed if I cannot afford one; if I am convicted my operating privileges license could be suspended, and that if I am convicted I may receive a prison sentence; if I waive the right to counsel, I will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules; there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently; and that, in addition to defenses, that I may have many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by me, these errors may be lost permanently.

and I choose to act as my own attorney in connection with the summary trial or hearing for the citation(s) listed above. I further state and affirm that my waiver is made knowingly, voluntarily, and intelligently.

Defendant

Date

I certify that the defendant's waiver was made knowingly, voluntarily and intelligently.

Date

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective _____, 2014.

**LOCAL RULE 454. TRIAL IN SUMMARY CASES. ROLE OF THE AFFIANT.
SENTENCING ORDERS**

(a) Summary Trial. The summary trial shall be conducted by Traffic Division judges and hearing officers as provided by Pa.R.Crim.P. 454 and 1036. At the conclusion of the summary trial, the judge or hearing officer shall sign the docket of the Traffic Division, identifying the disposition and the amount of the fine and costs imposed, if any. No facsimile signature may be used to sign the docket of the Traffic Division.

(b) Evidence.

(1) The law enforcement officer who issued or filed the citation need not appear for the summary trial. The defendant shall be advised of the charges in the citation.

(2) Any authorized user of the Pennsylvania Justice Network (“JNET”) may produce and offer to the Court the defendant’s certified driving record, as necessary.

(3) The attorney for the Commonwealth may appear and assume charge of the prosecution or, when no attorney appears on behalf of the Commonwealth, an affiant may assume charge of the prosecution and may be permitted to ask questions of any witness who testifies. Such affiant may request, in open court, that the Traffic Division judge or hearing officer permit the withdrawal of one or more of the charges pursuant to Pa.R.Crim.P. 457. If the Traffic Division or hearing officer judge authorizes the withdrawal of one or more of the charges, such withdrawal(s) shall be noted on the docket of the Traffic Division.

(c) Sentencing Orders. Every defendant shall be given a copy of the written order imposing sentence issued as required by Pa.R.Crim.P. 454(E). The Traffic Division judges and hearing officers shall use sentencing orders substantially in the form set forth below whenever a period of incarceration is entered as part of the sentence.

COMMENT: Unless otherwise required, for purposes of conducting summary trials and proceedings under Title 75, the Municipal Court Traffic Division is a court not of record and neither a court reporter or other electronic means shall be used to record or transcribe the testimony except as provided in Pa.R.Crim.P. 112. The Traffic Division may, however, direct that proceedings conducted before hearing officers be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on effective _____, 2014.

SENTENCING ORDER FORMS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs. <hr/> <p align="right">Defendant</p> A/K/A _____	Judge <hr/> Courtroom <hr/> Citation Number(s) <hr/>
PP# _____	Date of Birth _____

**ORDER IMPOSING SENTENCE
(Default of Payment Plan – Pa.R.Crim.P. No. 456)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously ordered to pay certain fines and costs in connection with the above-referenced Traffic Citations, as disclosed on the attached print-out. After a hearing, the Court finds that Defendant has, and had, the financial ability to pay as previously ordered by the Traffic Court, but failed to pay as ordered. The Court finds that Defendant owes the sum of \$ _____ in connection with the above listed citations and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (*Check one if applicable*) at the following facility:

 Credit in the sum of \$40 per day served shall be given pursuant to 75 Pa.C.S. § 6503.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* on the issue of Defendant’s Contempt, financial ability to pay, and the propriety of the sentence imposed in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Philadelphia Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, **Traffic Division**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
_____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant **Date**

Attorney **Date**

Date: _____

JUDGE

ORDER IMPOSING SENTENCE – MANDATORY SENTENCE

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs. <hr/> <div style="text-align: right; padding-right: 20px;">Defendant</div> A/K/A _____	Judge <hr/> Courtroom <hr/> Citation Number(s) <hr/>
PP#	Date of Birth

**ORDER IMPOSING SENTENCE
(Mandatory Sentence – 1543(b)(1))**

AND NOW, this ____ day of _____, 20____, the Court finds that the above named Defendant has plead guilty or been convicted of violating 75 Pa.C.S. § 1543(b) (1). Defendant is sentenced to pay fines and costs in the sum of \$ _____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (*Check one if applicable*) at the following facility:

 Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, **Traffic Division**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, Esquire
 _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

**I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:**

BY THE COURT:

Defendant Date

Attorney Date

JUDGE Date: _____

ORDER IMPOSING SENTENCE – SUBSEQUENT CONVICTIONS

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania vs. <hr/> Defendant A/K/A _____	Judge _____ Courtroom _____ Citation Numbers _____
PP# _____	Date of Birth _____

**ORDER IMPOSING SENTENCE
(Subsequent Convictions – 75 Pa.C.S. § 6503)**

AND NOW, this _____ day of _____, 20____, the Court finds that the above named Defendant has been previously convicted of violating 75 Pa.C.S. §§ 1501(a); 1543(a); 3367; 3733; 3734; or 3748 as disclosed on the attached print-out. Defendant has today plead guilty or been convicted of violating 75 Pa.C.S. § _____. NOW, THEREFORE, pursuant to 75 Pa.C.S. § 6503, in addition to the fines and costs imposed as a result of the conviction of the above violation, Defendant is sentenced to pay fines and costs in the sum of \$_____, and is sentenced to serve a minimum of _____ days and a maximum of _____ days Concurrent or Consecutive (*Check one if applicable*) at the following facility:

 Defendant is not entitled to credit provided in 75 Pa.C.S. § 6504.

The following additional conditions are applicable:

_____.

Defendant may file an Appeal of this sentence for a hearing *de novo* in the Court of Common Pleas by filing a Notice of Appeal within THIRTY (30) days, at the Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA. The imposition of the sentence is stayed during the Appeal period. The Appeal will be dismissed if Defendant fails to appear for the *de novo* hearing, and the sentence imposed by the Municipal Court Traffic Division will be carried out without further order of court.

Pursuant to Pa.R.Crim.P. No. 454, Defendant is **COMMANDED** to appear on _____, 20____, at _____ AM/PM., in Courtroom _____, **Traffic Division**, 800 Spring Garden Street, Philadelphia, PA for execution of the above prison sentence, unless a timely Notice of Appeal is filed. **In the event an Appeal has not been filed and Defendant fails to appear as ordered above, a Warrant will be issued for Defendant’s arrest.**

Private Counsel: _____, **Esquire**
 _____, Esquire is appointed to represent Defendant as required by Pa.R.Crim.P. 1035 and T.D.L.R. 1035. Counsel’s appointment shall continue for appellate purposes if the Defendant is sentenced to a period of incarceration provided that upon the filing of an appeal, the Defendant meets the eligibility requirements for the appointment of counsel and thus continues to qualify for the appointment of counsel as provided in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

**I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:**

BY THE COURT:

Defendant **Date**

Attorney **Date**

JUDGE Date: _____

LOCAL RULE 1030. SCOPE OF SUMMARY TRAFFIC COURT RULES.

The local rules that follow complement Chapter 10, Part B. of the Pennsylvania Rules of Criminal Procedures, Philadelphia Municipal Court Traffic Division Rules, Pa.R.Crim. P. 1030 et seq., and the rules referenced thereto, and are intended to identify for counsel and unrepresented parties the procedural rules applicable to the Traffic Division's proceedings in Philadelphia County. These rules are referenced herein as "Local Rules" and shall be cited as "T.D.L.R."

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

LOCAL RULE 1031. INSTITUTION OF PROCEEDINGS IN SUMMARY TRAFFIC CASES.

(a) Issued Citations. Scheduling of Summary Trial. Notice To Appear. Service. As authorized by Pa.R.Crim. P. 1031(B), the citation issued to a defendant pursuant to Pa.R.Crim.P. 405 shall contain the date, time and location of the summary trial. As authorized by Pa.R.Crim.P. 451(A), service shall be made by the issuing law enforcement officer who shall hand a copy of the citation containing the Notice to appear to the defendant.

(b) Filed Citations. Scheduling of Summary Trial. Notice To Appear. Service. A citation filed pursuant to Pa.R.Crim.P. 410 et seq. shall contain the date, time and location of the summary trial. Service shall be made as set forth in Pa.R.Crim.P. 451 (B). If the defendant fails to appear for a summary trial scheduled by first class mail, the hearing will be rescheduled the defendant shall be served personally or by registered mail, return receipt requested.

(c) Form of the Citation. The citation issued to the Defendant shall be substantially as the form which follows this Local Rule, and as may be otherwise modified from time to time.

(d) Citations Which Do Not Contain A Hearing Date. If a law enforcement officer does not enter the date, time and location on a citation issued pursuant to subsection (a), or if the hearing is scheduled for a non-court day, the court shall schedule or reschedule the summary trial and send a notice of trial by first class mail.

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Division, whichever is later.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

CITATION

COMMONWEALTH OF PENNSYLVANIA					
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION 800 SPRING GARDEN STREET P.O. BOX 58301 PHILADELPHIA, PA 19150-8301					
CONSECUTIVE BARCODE AREA					
TRAFFIC CITATION					
1. ORDER NUMBER		2. C.D.L.	3. STATE	4. D.O.B.	5. SEX
		<input type="checkbox"/> PA	<input type="checkbox"/> PA		<input type="checkbox"/> M <input type="checkbox"/> F
6. DEFENDANT NAME - FIRST		MIDDLE	LAST	8. COMB. VEH.	
				<input type="checkbox"/> YES <input type="checkbox"/> NO	
7. DEFENDANT STREET ADDRESS					
8. CITY					
9. STATE				10. ZIP CODE	
<input type="checkbox"/> PA					
11. OVERLICENSED OR GARNER NAME (if different than defendant)			11a. IDENTIFICATION SOURCE		
			<input type="checkbox"/> Drivers License <input type="checkbox"/> Defendant		
12. OVERLICENSED OR GARNER ADDRESS (if different than defendant)			<input type="checkbox"/> Non Drivers License <input type="checkbox"/> DMV		
			<input type="checkbox"/> Other		
13. VEHICLE REG. NO.	14. REG. YR.	15. STATE	16. MAKE	17. TYPE	18. COLOR
		<input type="checkbox"/> PA			
19. VEHICLE REG. NO.	20. REG. YR.	21. STATE	22. MAKE	23. TYPE	24. COLOR
		<input type="checkbox"/> PA			
SEE BACK OF DEFENDANT'S COPY FOR BREAKDOWN OF TOTAL DUE.					
VIOLATION TYPE		29. <input type="checkbox"/> Filed on Information Received		30. <input type="checkbox"/> Active Work Zone	
28. <input type="checkbox"/> Vehicle Code		<input type="checkbox"/> Lab Services Requested		<input type="checkbox"/> Safety Corridor	
<input type="checkbox"/> Ordinance		TOTAL DUE: \$ (paid within 10 days of issuance)			
26. CHARGE SECTION & SUBSECTION					
27. NATURE OF OFFENSE					
28. SPEED TIME		29. SPEED ALLOWED		30. WEIGHT PERMITTED	31. ACTUAL VEHICLE WEIGHT
				Lbs.	Lbs.
32. FOLLOWED	33. TIME	34. TIME	35. SPEED EQUIP. SERIAL NO.	36. SPEED DETECT. EQUIP. TYPE	37. STAT. EQUIP. TYP.
38. DATE EQUIP. TEST.	39. ACC. ADJUSTMENT. NO.		40. LOCATION OF EQUIPMENT		
	<input type="checkbox"/> YES				
41. DEFECT CODE	42. BRACKET EMP.	43. DIR. OF TRAVEL	44. WEATHER CONDITIONS	45. OFFENSE DATE	46. DAY
		N E E W			
NOTICE TO APPEAR					
YOU MUST APPEAR FOR YOUR SUMMARY TRIAL WHICH IS SCHEDULED FOR:					
48. MONTH		49. DAY	50. YEAR	51. TIME	LOCATION:
			201	<input type="checkbox"/> AM <input type="checkbox"/> PM	800 Spring Garden Street Philadelphia, PA 19123
You must plead guilty or not guilty within 10 days of receipt of the citation (see the Reverse side of the Citation). If within 10 days of receipt of the citation you enter a guilty plea and pay the fine and costs indicated on the citation, the summary trial will be cancelled. If you are charged with a violation of 75 Pa.C.S. § 1543 or any other violation that provides for the imposition of a prison sentence, you must appear on the above date with counsel. If you fail to appear for the trial, you are consenting to the trial in your absence. If you are found guilty, the collateral deposited will be forfeited and applied toward your fines and costs. Within 30 days of the entry of a guilty plea or adjudication of guilt you have the right to appeal for a trial de novo in the Court of Common Pleas.					
I have served a copy of this Citation on the Defendant. I verify that the facts set forth in this citation are true and correct to the best of my knowledge, information and belief. This Verification is made subject to the penalties of Section 4924 of the Crime Code (18 Pa.C.S. § 4924) relating to the unsworn falsification to authorities.					
OFFICER'S SIGNATURE				BADGE NO.	
52. DEFENDANT'S SIGNATURE - ACKNOWLEDGES RECEIPT OF CITATION				53. DATE	
X				<input type="checkbox"/> ISSUED <input type="checkbox"/> FILED	
54. DEFENDANT ADDRESS		55. DEF. TEL.	56. LAW ENFORCEMENT AGENCY		
			<input type="checkbox"/> Acc. Inv. Div. <input type="checkbox"/> DRPA <input type="checkbox"/> City Police <input type="checkbox"/> PennDOT <input type="checkbox"/> Pub. Util. Com. <input type="checkbox"/> State Police <input type="checkbox"/> Other		
57a. JUVENILE	57b. PARENTS RECEIVED	58. COMM. VEH.	59. SCHOOL VEH.	60. <input type="checkbox"/> ANNUL <input type="checkbox"/> UNANNUL	
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> HAZ. MAT. <input type="checkbox"/>	<input type="checkbox"/> 16 PASS VEH. <input type="checkbox"/>		
61. REMARKS					
61. TOTAL DUE (if paid within 10 days of issuance)		62. SECTION 18133	63. DATE	MM XXXXXX-X	
NOTICE					
If you plead guilty or are found guilty, points may be assessed against your driver's record. An accumulation of points may result in the suspension of your driving privilege. Also, your driving privilege WILL BE SUSPENDED if you plead guilty or are found guilty of certain offenses under the Vehicle Code, including but not limited to: 75 Pa.C.S. §§ 1371, 1341, 1345, 1347, 1312, 17 PA, 3726, subsequent convictions of 75 Pa.C.S. § 1531, a violation of 75 Pa.C.S. § 3262 when occurring in an active work zone AND an accident report is submitted by the police, and a violation of 75 Pa.C.S. § 3262 when occurring in an active work zone. *Final Amount to be determined by Municipal Court, Traffic Division.					
ACPDA-2005 MUNICIPAL COURT, TRAFFIC DIVISION 7-147 (Rev. 1/2014)					

LOCAL RULE 1032. PLEAS IN RESPONSE TO CITATION. FAILURE TO TIMELY PLEA OR PAY THE REQUISITE COLLATERAL.

(a) General Rule. A defendant must enter a plea within ten days after issuance of the citation as required by Pa.R.Crim. P. 407 regardless of whether the citation issued to the defendant contains a summary trial hearing date.

(b) Not Guilty Plea. The defendant may plead not guilty in person at the Traffic Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation. The summary trial will be held on the date assigned pursuant to Local Rule 1031. No additional Notice of Trial shall be required to advise the defendant of the summary trial date unless the summary trial scheduled pursuant to Local Rule 1031 is rescheduled by the Philadelphia Municipal Court Traffic Division.

(c) Guilty Plea.

(1) Except as provided in paragraph (c)(2), the defendant may plead guilty in person at the Traffic Division, on-line through the Court's website, <http://courts.phila.gov> (click the "Municipal Court Traffic Division" link under the section entitled "Courts of the District"), through the Court's IVR (Interactive Voice Response system), or by mail by following the instructions contained on the back of the citation.

(2) If the defendant has been cited for violation of 75 Pa.C.S. § 1543 (B), and other violations which require the imposition of a prison sentence upon a guilty plea or adjudication, the defendant may not plead guilty by mail or electronically, and the summary trial will be held as scheduled, unless it is rescheduled by the Court.

(3) Any notice which reschedules a summary trial shall be mailed to the defendant, by first class mail, at the Defendant's last known address. A bench warrant shall be issued if the defendant fails to appear for the summary trial.

(d) Failure to Timely Plea or Post the Requisite Collateral. As required by Pa.R.Crim.P. 430, a warrant for the arrest of a defendant shall be issued if a defendant fails to enter a plea within ten days after the issuance of a citation. Moreover, the defendant's operating privileges may be suspended pursuant to 75 Pa.C.S. § 1533, and a late fee will be assessed if the defendant fails to file a plea within ten days after issuance of the citation. A written notice of suspension, issuance of arrest warrant, or imposition of late fee shall be sent to the defendant, by first class mail, at the defendant's last known address.

COMMENT: Notices mailed to a defendant shall be mailed to the defendant's most current address available to the Traffic Division. The most current address may be the address on record with the Pennsylvania Department of Transportation, or the address the defendant provided to the law enforcement officer at the time the citation was issued, or the address the defendant has provided to the Traffic Division, whichever is later.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

LOCAL RULE 1033. PROCEDURES WHEN DEFENDANT ARRESTED WITH WARRANT.

(a) Defendant Arrested During the Traffic Division's Hours of Operation.

(1) A defendant arrested pursuant to a Traffic Division warrant shall be brought to the Traffic Division as soon as practicable after being processed provided the Traffic Division is open.

(2) A warrant hearing shall be conducted promptly by a Traffic Division judge or hearing officer to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Division warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does not have a history of failure to appear for Traffic Division hearings:

(A) the Traffic Division judge or hearing officer shall schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule;

(B) the defendant shall be released unless collateral has been ordered and has not been posted; and

(C) if the defendant is ordered to post collateral and the collateral has not been posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(iii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does have a history of failure to appear for Traffic Division hearings, especially after personal service of a citation or scheduling hearing, the Traffic Division judge or hearing officer shall schedule the summary trial or hearing without unnecessary delay, but in no event more than 72 hours from the date of the bench warrant hearing or, if the 72 hours expire on a non-business day, no later than the close of the next business day, and the defendant may be held in custody pending the rescheduled hearing. For purposes of this subsection, the term "history of failure to appear" shall mean that the defendant has failed to appear for at least two (2) Traffic Division hearings despite service of a date certain citation or notice personally on the defendant.

(b) Defendant Arrested While the Traffic Division is Closed. A defendant arrested pursuant to a Traffic Division warrant while the Traffic Division is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court arraignment court magistrate shall be substantially in the form which follows this Local Rule.

COMMENT: Pa.R.Crim P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Division or at the Bail Acceptance Unit at the Justice Juanita Kidd Stout Center for Criminal Justice, which is open around the clock, every day, including holidays.

The standard Scheduling Orders for Summary Trials and Default Hearing place the defendant on notice that that a defendant's failure to appear will result in the issuance of a bench warrant and when the defendant is arrested, the hearing will be rescheduled and the defendant will be held in custody until the rescheduled hearing date.

Subsection (a)(2)(iii) was added to clearly set forth the maximum amount of time a defendant who has a history of failure to appear for a Traffic Division hearing or trial despite personal service of the hearing date can be held pending the rescheduled hearing date in the event a hearing or trial cannot be held on the day the defendant is brought to the Traffic Division for a warrant hearing. The time period provided in the new subsection is the same as that provided in Pa.R.Crim.P. 150.

It is anticipated that most of the summary trials or hearings will be held on the same day the defendant is arrested and brought to the Traffic Division on a warrant issued due to the defendant's failure to appear. Some defendants may have such large number of outstanding traffic citations and citations which are in default of a payment which will require some time to compile the required records and to obtain the required certified record from the Pennsylvania Department of Transportation. Nonetheless, the Traffic Division can reasonably do so within the requisite 72 hour period or release the defendant pending a future scheduled date if it is unable to do so.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014. effective , 2014.

SCHEDULING ORDER – DEFAULT HEARING
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania vs. <hr/> <div style="text-align: right; padding-right: 50px;">Defendant</div> A/K/A _____	Judge <hr/> Courtroom <hr/> Citation Numbers <hr/>
PP# _____	Date of Birth _____

SCHEDULING ORDER
(Default Hearing)

AND NOW, this _____ day of _____ A.D. 20____, Defendant is **ORDERED** to appear on _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Municipal Court Traffic Division**, 800 Spring Garden Street, Philadelphia, PA, to determine, pursuant to Pa.R.Crim.P. 456, defendant’s ability to pay the outstanding fines and costs as previously ordered by the Traffic Division, and to enter any appropriate order, including imposition of any sanctions provided by law. Defendant must provide appropriate documentation of his/her financial status.

Defendant shall be released on his/her own recognizance pending the above financial determination hearing.

The Defendant shall be released prior to the above summary trial date upon the posting the sum of \$ _____ as collateral for outstanding traffic citations. Provided, however, that if the above rescheduled hearing date exceeds 72 hours from today, and the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled financial determination hearing. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District’s Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver’s License, DPW card, pay stubs etc. at the time of the interview.

The bench warrant issued for the Defendant’s arrest is withdrawn.

Defendant’s failure to appear on the above date will result in the issuance of a bench warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

 Defendant Date

 Attorney Date

 HEARING OFFICER/JUDGE Date: _____

SCHEDULING ORDER-COMMITMENT

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

Commonwealth of Pennsylvania vs. <hr/> <div style="text-align: right; padding-right: 10px;">Defendant</div> A/K/A _____	Judge _____ <hr/> Courtroom _____ <hr/> Citation Numbers _____
PP# _____	Date of Birth _____

SCHEDULING ORDER/COMMITMENT

AND NOW, this _____ day of _____ 20____, due to defendant’s failure to appear for a hearing or trial despite personal service of a Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the rescheduled hearing date which shall not exceed 72 hours from today, or no later than the close of the next business day if the 72 hours expire on a non-business day.

The summary trial or default hearing is scheduled for _____, 20 ____, at _____ AM/PM., in Courtroom _____, **Municipal Court Traffic Division**, 800 Spring Garden Street, Philadelphia, PA. which the undersigned represents is the most expeditions date in light of the offenses at issue.

Defendant may be released pending the hearing scheduled by this order upon the posting of \$ _____ as collateral. Provided, however, that if the rescheduled hearing date above exceeds 72 hours from today, if the requested collateral is not posted, the defendant shall be released from custody within 72 hours of today or no later than the close of the next business day if the 72 hours expire on a non-business day.

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled hearing or trial. Counsel will be made available to Defendant on the re-scheduled hearing date if the defendant is without financial resources or is otherwise unable to employ counsel.

The Bench Warrant issued for Defendant’s arrest due to Defendant’s failure to appear for the previously scheduled summary trial or hearing is withdrawn.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant.

YOU, THE KEEPER, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

Attorney Date

 HEARING OFFICER/JUDGE Date: _____

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT
TRAFFIC DIVISION

ENFORCEMENT DEPARTMENT

COMMONWEALTH OF PENNSYLVANIA	:	Citation Nos. _____
	:	<u>PA MOTOR VEHICLE CODE</u>
	:	DATE: _____
v.	:	PP No. _____
	:	SID _____
_____	:	
Defendant	:	INTAKE No. _____

COLLATERAL/FINES PAID: \$ _____

TO THE KEEPER OF:

_____	Philadelphia Prisons
_____	Police Department
_____	Other

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY/
IN THE PHILADELPHIA MUNICIPAL COURT**

BAIL ACCEPTANCE OFFICE

COMMONWEALTH OF PENNSYLVANIA **Citation Nos.** _____

VS.

_____ **Defendant** _____

Collateral/Fines Paid \$ _____

Processing Fee **\$5.00**

Total Paid \$ _____

To The Keeper Of:

_____ **Philadelphia Prisons**
_____ **Other**

The total collateral or fines imposed by the Philadelphia Traffic Court to secure defendant's release having been paid, discharge the above named Defendant from your custody, if detained for no other cause than stated above.

FOR THE COURT:

Date: _____

Bail Acceptance Officer

COMMENTS:

LOCAL RULE 1035. APPOINTMENT OF COUNSEL.

Counsel shall be provided to Traffic Division defendants who qualify pursuant to Pa.R.Crim.P. 1035 as follows:

- (a) Counsel will be appointed on a per diem basis to represent all Traffic Division defendants entitled to court-appointed counsel in connection with Traffic Division summary trials or hearings on the day of counsel's appointment. A separate appointment order, substantially in the form which follows this Local Rule, will be issued concerning each defendant represented by court-appointed counsel.
- (b) Court-appointed counsel's appointment terminates at the conclusion of the Traffic Division hearing; however, in the event any defendant represented during such one day appointment is sentenced to a period of incarceration, counsel's appointment will continue for that defendant until final judgment (including any proceedings upon direct appeal) of such prison sentence.
- (c) Court-appointed counsel's per diem compensation is \$200 for representing Traffic Division defendants at the Traffic Division level regardless of the number of defendants represented on the assigned day.
- (d) Compensation for representing a defendant in connection with an appeal to the Court of Common Pleas (regardless of the number of citations issued to the defendant which are being appealed) shall be \$200.00.
- (e) Court-appointed counsel shall be compensated \$300.00 per defendant for appeals to any appellate court from a prison sentence imposed by the Court of Common Pleas.
- (f) The appointment of counsel constitutes authority for the defendant to proceed in forma pauperis and authorization to file pleadings without the payment of filing fees.

Note: Adopted December 21, 2005, effective on February 1, 2006; amended on May 8, 2014, effective _____, 2014.

FORM OF APPOINTMENT ORDER

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

Commonwealth of Pennsylvania : **Citation Nos.**

vs. :

:

Defendant :

APPOINTMENT ORDER

AND NOW, this day of , 20 , it appearing that there is a likelihood that imprisonment may be imposed at the conclusion of the Traffic Court summary trial or hearing, pursuant to Pa.R.Crim.P. 1035 and T.D.L.R. 1035, _____, Esquire, is appointed to represent the Defendant in connection with the above citations.

This appointment is not transferable and is subject to the provisions set forth in Pa.R.Crim.P. 1035 and T.D.L.R. 1035.

This order constitutes authority for the defendant to proceed in forma pauperis.

Appointed counsel certifies that counsel maintains a principal office in Philadelphia County pursuant to Administrative Governing Board Directive Number 2 of 1997.

Compensation shall be as established in T.D.L.R. 1035.

BY THE COURT:

LOCAL RULE 1036. PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION HEARING OFFICERS

(A) Qualifications. A hearing officer:

(1) must be an attorney licensed to practice in the Commonwealth of Pennsylvania and must possess such experience and meet such additional requirements as may be provided by the Supreme Court of Pennsylvania in order to be employed as a hearing officer; or

(2) must complete a course of training and instruction in the duties of a Traffic Division hearing officer as may be established from time to time by the Philadelphia Municipal Court Traffic Division consistent with subsection (B) below.

(B) Training and Examination. A person selected by the Philadelphia Municipal Court Traffic Division as a prospective hearing officer pursuant to subsection (A)(2) above shall:

(1) complete an initial course of training and instruction of not less than twenty-four (24) hours in subject areas dealing with traffic laws, policies, rules and proceedings and must pass an examination administered by the Philadelphia Municipal Court Traffic Division or under its supervision and direction before assuming the position of Traffic Division hearing officer.

(2) Any person selected as a prospective hearing officer who does not complete the initial course of training and instruction, or who fails the examination, shall not be employed as a Traffic Division hearing officer.

(C) Continuing Education.

(1) All Municipal Court Traffic Division hearing officers shall complete a continuing education program each year equivalent to not less than eight (8) hours per year in such courses or programs as may be established from time to time by the Philadelphia Municipal Court Traffic Division.

(2) At the discretion of the Philadelphia Municipal Court Traffic Division, attendance at training courses conducted by or on behalf of the Minor Judiciary Education Board may satisfy the training requirements or continuing education requirements.

(3) The employment of any Traffic Division hearing officer who fails to meet the continuing education requirements shall be terminated.

(D) The appointment of any employee of the Municipal Court Traffic Division as a “Traffic Court hearing officer” pursuant to former Pa.R.Crim.P. 1036 (rescinded) and former Phila. T.C. Local Rule 1036 (rescinded) shall cease on [effective date of the new rules]. From time to time, the Court may direct any such former Traffic Court hearing officer to assist in issuing payment plans and releasing impounded vehicles.

NOTE: New Local Rule 1037 adopted May 8, 2014, effective _____, 2014.

LOCAL RULE 1037. APPEALS FROM TRAFFIC DIVISION ORDERS.

(a) (1) *Notices of Appeal* from Traffic Division proceedings are to be filed with the Philadelphia Municipal Court Traffic Division, which will accept them on behalf of the Office of Judicial Records, Criminal (formerly, the *Clerk of Courts* and *Clerk of Quarter Sessions*), at the following address:

Philadelphia Municipal Court Traffic Division
Appeals Unit
800 Spring Garden Street
Philadelphia, PA 19123

Upon receipt of the *Notice of Appeal*, the Traffic Division shall transmit the Traffic Division record to the Court of Common Pleas, Trial Division, Criminal pursuant to Pa.R.Crim.P. 460. The *Notice of Appeal* forms shall be posted on the website of the First Judicial District of Pennsylvania at www.courts.phila.gov/forms.

(2) On appeal, proceedings shall be held as provided in Pa.R.Crim.P. 1037. The Order to be issued by the Court of Common Pleas judge shall be substantially in the form provided hereunder.

(b) *Motions to Appeal Nunc Pro Tunc* and *Notices of Appeal Nunc Pro Tunc* shall also be filed with the Philadelphia Municipal Court Traffic Division which will transmit the record to the Court of Common Pleas, Trial Division, Criminal.

(c) *Red Light Appeals*. Traffic Division orders issued after *de novo* hearings authorized by 75 Pa.C.S. § 3116 (m)(4) for violations of Automated Red Light Enforcement Systems are appealable to the Court of Common Pleas, Trial Division, Civil.

(d) *Appeals from Impoundment Orders*. *Notices of Appeal* from orders issued upon Requests for Release of an Impounded Vehicle pursuant to 75 Pa.C.S. §§ 6309, 6309.1 and 6309.2 are to be filed with the Office of Judicial Records, Civil (formerly, the *Prothonotary*), electronically through the website of the First Judicial District at www.courts.phila.gov, or at the following address:

Office of Judicial Records, Civil
Room 296 City Hall
Philadelphia, PA 19107

NOTE: New Local Rule 1037 adopted May 8, 2014, effective _____, 2014.

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS

Commonwealth of Pennsylvania
vs.

Docket No. CP-51-____-_____
:
: Traffic Citation(s) No.
:
: Appeal Hearing Date: _____

Defendant

ORDER - SUMMARY APPEAL

AND NOW, this ____ day of _____, 20____, it is hereby ordered, adjudged and decreed that:

APPEAL HEARING continued to: _____ .

NOT GUILTY. Upon conclusion of the trial, the defendant is found NOT GUILTY. The Municipal Court Traffic Division shall apply any collateral posted by defendant to any fees, fines and costs owed by defendant and shall refund the balance, if any.

DEFENDANT FAILED TO APPEAR. MANDATORY SENTENCING. The defendant having failed to appear, the appeal is dismissed, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, a bench warrant is issued for the defendant's arrest, and execution of the sentence shall commence immediately upon defendant's arrest. This order shall authorize Defendant's commitment. The defendant is sentenced to serve a period of incarceration as follows: a minimum of ____ days and a maximum of ____ days as more fully provided in the attached Municipal Court Traffic Division order.

DEFENDANT FAILED TO APPEAR. OTHER THAN MANDATORY SENTENCE. The defendant having failed to appear, the appeal is dismissed, and the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Traffic Division order. The defendant must pay in full the outstanding fines and costs totaling \$ _____ or contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days, or a warrant for defendant's arrest will be issued.

APPEAL WITHDRAWN – The defendant having withdrawn the appeal, the judgment of the Municipal Court Traffic Division is entered as the judgment of the Court of Common Pleas, as more fully provided in the attached Municipal Court Traffic Division order.

PLEA. NEGOTIATED PLEA. Defendant has negotiated a plea, or knowingly, intelligently and voluntarily entered a plea of GUILTY to the following Summary Violation(s), which is accepted by the Court:

Unless full collateral has already been posted, the defendant must pay in full within 24 hours all fines and costs associated with this GUILTY plea, in the sum of \$ _____, or as otherwise provided by the Municipal Court Traffic Division, and if not so paid the plea will be set aside and a hearing on the Appeal will be rescheduled by the Court.

GUILTY. MANDATORY SENTENCING. The defendant is found GUILTY, is ordered to pay within 30 days the sum of \$ _____ in fines and costs, and is sentenced to serve a period of incarceration as follows: a minimum of ____ days and a maximum of ____ days. The sentence is stayed for 30 days and unless a Notice of Appeal is filed, defendant shall appear for execution of sentence on _____, 2010 at _____ AM/PM in Courtroom _____, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA.

GUILTY. OTHER THAN MANDATORY SENTENCE. The defendant is found GUILTY, is ordered to pay \$ _____, or as otherwise provided by the Traffic Court, in fines and costs in full, or to contact the Municipal Court Traffic Division to enter into an installment payment plan within 30 days or a warrant for defendant's arrest will be issued.

Jurisdiction is remanded to the Municipal Court Traffic Division pursuant to Pa.R.Crim.P. No. 1037.

BY THE COURT:

Judge