



*FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS*

Wednesday, October 6, 2021

**TRIAL DIVISION – CRIMINAL
NOTICE TO THE BAR**

**ALTERNATIVE FELONY DISPOSITION PROGRAM
AND
EXPEDITED (“X-TRACK”) PILOT PROGRAM**

Attached, please find the Expedited Track (“X-Track”) Program protocols, which became effective on July 6, 2021. The X-Track Program is a pilot program created to expedite cases where the defense requests and then accepts a pre-preliminary hearing offer. Cases in the X-Track program will be scheduled for pleas within one week of arraignment in Room 1005.

Also attached, please find the Alternative Felony Disposition (“AFD”) Program description and waiver form. AFD is a pretrial diversion program that lasts between one and two years, depending on the needs and conduct of the defendant. At this time, it is open to defendants charged with 18 PA CSA § 6106 and 6108 as the lead charge and who have no, or very limited, criminal histories.

Honorable Lisette Shirdan-Harris
Administrative Judge, Trial Division

Honorable Lucretia C. Clemons
Supervising Judge, Trial Division-Criminal



**First Judicial District of Pennsylvania
Expedited Track (X-Track) Pilot Program
Effective, July 6, 2021**

Municipal Court Protocols

Kindly follow the protocols below when requesting an expedited preliminary hearing waiver for local custody cases in Municipal Court.

Expedited Preliminary Hearing Waivers

- Defense counsel must copy a DAO Supervisor on their request.
- Required email subject: **Expedited Waiver Request**.
- Email must contain the defendant's name, docket number, and date on which the case is currently scheduled.
- Send email to MC Criminal Listings at XTrack@courts.phila.gov.
- MC Criminal listings will schedule the case to Video Crash Court in courtroom 403 at 10 a.m., Monday through Friday (2 business days out from the date received).
 - o The hearing will be conducted via video from the Philadelphia Prison System and the Defendant will not be brought down to the Stout Center.
- All parties copied on the email will receive a response containing the next court date; CP criminal listings will be included on this email.

Common Pleas Court Protocols: Expedited Pleas

Below are Common Pleas Court protocols for scheduling Expedited Track (X-TRACK) cases for CP plea dispositions for new cases only. Case(s) with a back Judge will follow the current protocol for CP scheduling.

- DAO must notify CP Criminal Listings via email of the X-Track case(s) that were held for court (HFC).
- Required email subject: **Expedited Track Program**.
- Email must contain the defendant's name, MC docket number, and date the case was HFC.
- Send email to CP Criminal Listings: Vincent.petri@courts.phila.gov, DeAngelo.Harris-Rosa@courts.phila.gov, Linda.mariani@courts.phila.gov, Gerald.winterstein@courts.phila.gov, and cc: Sharon.malvestuto@courts.phila.gov.
- CP docket will be created and scheduled for arraignment two weeks from the HFC disposition date.
- DAO must submit bills of information prior to the arraignment date.

- CP Trial Commissioner should schedule the case(s) within a week of the arraignment date before the X-Track program Judge in courtroom 1005.
- **For X-Track pleas incorporating back cases, defense counsel must either: (a) reach out to the back judge(s) in writing and have them relinquish jurisdiction to the X-Track Program Judge OR (b) in the absence of such a relinquishment, notify CP Criminal Listings that the cases will proceed by normal 701 Consolidation protocol.**
- All parties will be notified of the scheduled date in courtroom 1005, including CP Courtroom Operations.
- Courtroom operation requires 48-hour notice for defendant bring downs and one-week notice for video conference hearings.

Alternative Felony Disposition (“AFD”)

Alternative Felony Disposition (AFD) is a pretrial diversion program that lasts between one and two years, depending upon the needs and conduct of the defendant. At this time, it is open to defendants charged with 18 PA CSA § 6106 and 6108 as the lead charge and who have no, or very limited, criminal histories. Admission is at the discretion of the District Attorney’s Office (“DAO”) and the First Judicial District.

Participants will be supervised by either Judge Scott or Judge Anhalt and will come to court as frequently as once a month during their time in the program at the Court’s discretion. Participants will receive a needs-based assessment upon entry into the program at the Center for Carceral Communities (“CCC”) at the University of Pennsylvania. Defendants will then be assigned a case manager and commit to a limited set of pro-social goals that they plan to achieve while participating in the program.

No change of plea is required to participate in this program. Additional arrests or failure to participate may result in termination from the program at the discretion of the DAO or the Court. The program is funded by a grant and there is no cost to the defendant.

Requests for consideration should be sent to Dana Bazelon, Liam Riley, and Nick Firling at dana.bazelon@phila.gov, liam.riley@phila.gov, and nicholas.firling@phila.gov.

**Alternative Felony Disposition (“AFD”)
Rules and Requirements for Participants
Waiver of Speedy Trial Rights**

Commonwealth v. _____ Docket Number _____

1. By entering into the Alternative Felony Disposition (“AFD”) program, I agree to be under the pretrial supervision of my assigned judge and to come to Court whenever I am ordered to do so.
2. During the course of my supervision, I will remain in communication with the District Attorney’s Case Manager. I understand that if I move or change my phone number, it is my responsibility to call or email my case manager and my attorney immediately with my new contact information.
3. I understand that my conversations with my case manager, and with any other service provider in the AFD program, are private and that these individuals will not reveal the content of those conversations unless they believe I present an immediate risk of harm to myself or others.
4. I understand that I will be expected to participate in certain Court-ordered programing, specific to my needs and interests. The Court will receive regular reports from my case manager about my participation in this programing.
5. I understand and agree that if, during the period of my participation in the AFD program, I am arrested for new charges, or if I fail to complete any of the Court-ordered requirements of the AFD program, I may be removed from the program at the discretion of the Court. I would then face trial for this offense.
6. I understand that by entering the AFD program, I am giving up my right to a speedy trial.
 - a. I understand and agree that time spent in the AFD program is NOT included in calculating my rights to speedy trial. I also agree that the time spent in the AFD program is NOT included in calculating the time period within which I must be tried under Pennsylvania Rule of Criminal Procedure 600, Municipal Court Rule 1013 or any other rule or Constitutional standard.
 - b. If my case is removed from AFD for any reason, the District Attorney will have 365 days to prosecute me for any felony and 180 days to prosecute me for any misdemeanor for which I am charged.
7. I further understand and agree to the following:
 - a. I have been arrested and charged with a violation of the laws of Pennsylvania, I have a right to go to trial on these charges, and I

understand that I am presumed innocent of those charges. Should I choose to go to trial, the Commonwealth would have the burden of proving my guilt beyond a reasonable doubt.

- b. By participating in the AFD program, I am not giving up my right to a trial. However, if I successfully complete the AFD program, the charges against me will be dropped and the record of my arrest and prosecution will be expunged.
- c. I understand that I can reject the offer to participate in the AFD program and demand that my case be brought to trial.
- d. I understand that if I do not successfully complete the AFD program, any statement I make in AFD proceedings or in the course of participating in the AFD programming **cannot** be used against me at trial for the offense for which I have been placed in AFD.

- 8. I certify that I am not currently on Federal, State, or County probation or parole in this or any other jurisdiction. I further agree that if I have failed to disclose such information, this failure would constitute grounds for my immediate termination from the AFD program.

I hereby certify that I have read this document in its entirety and fully understand the terms and conditions outlined above.

Signature of Participant

Date of Signature

I, _____, Esquire, state that I have conferred with my client regarding this document and explained to him/her the terms and conditions of his/her entry into the AFD program. It is my belief that my client, _____ fully understands the terms and conditions set forth above. Furthermore, I have discussed with my client any and all of the consequences of entering into the AFD program, including waiver of his/her speedy trial rights.

Signature of Defense Attorney

Date of Signature