



FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS

Friday, October 18, 2024

NOTICE TO THE BAR

TRIAL DIVISION – CRIMINAL

**Case Management Protocol – Common Pleas Court Gagnon I and II Hearings
Effective November 12, 2024**

- In addition to a Trial Commissioner, a Common Pleas Judge will be assigned to preside over the below enumerated Gagnon I hearings.
- Video hearings will be held on Tuesday, Wednesday and Friday.
- When a defendant is held in local custody on a detainer for a violation of a probationary sentence being supervised by a **Common Pleas Judge**, the following procedures shall apply:
 1. At the earliest time practicable but no later than 72 hours after being placed into custody, APPD shall notify the Common Pleas Criminal Listings Unit that the defendant has been detained and shall provide case information so that Common Pleas Criminal listings may list the matter for a Gagnon I Hearing.
 2. Probation shall also designate whether the matter qualifies for an **Expedited Track Detainer Hearing**.
 3. The following cases qualify for an **Expedited Track Detainer Hearing**:
 - a) Cases in which a detainer was issued for a technical violation of probation which does not involve a new arrest; and/or
 - b) Cases in which a detainer was issued for a new arrest(s) for charges graded no higher than a felony of the third degree including ungraded felony drug offenses. *Excluded* from the above are crimes sexual in nature, and crimes involving assaultive behavior or a credible threat to cause bodily injury to another, including acts committed against a family or household member as defined in 23 Pa.C.S. § 6102 (a).
 4. **Expedited Track Detainer Hearings** shall be listed on a Tuesday or Wednesday before the presiding Gagnon I judge within 8 days for a Gagnon I Hearing to determine whether the detainer should be lifted considering the sentencing limitations mandated under Act 44.
 - a) If the detainer is lifted, the Gagnon II Hearing shall be listed before the judge supervising the defendant's probation within 30 days.
 - b) If the detainer is not lifted, the Gagnon II Hearing shall be listed before the judge supervising the defendant's probation within 10 days for an expedited Gagnon II Hearing.
 - i. If circumstances exist which preclude the presence of the judge supervising the defendant's probation¹, the expedited Gagnon II Hearing will be scheduled within 10 days before the *Supervising Judge* of the Criminal Trial Division or their designee.

¹ See, Phila. Crim. R. *700(B)(4)

- ii. If the judge supervising the defendant's probation is no longer sitting, the expedited Gagnon II Hearing will be listed within 10 days consistent with the current NSJ reassignment protocol.
5. In all other cases in which a detainer is lodged, Criminal Listings shall list the matter before the Trial Commissioner on a Friday in the Gagnon I room within a reasonable amount of time but no later than 10 days for a Gagnon I Hearing.
 - a) The Gagnon II Hearing shall then be listed before the judge supervising the defendant's probation within 30 days.
 - b) If the judge supervising the defendant's probation is no longer sitting, the Gagnon II will be scheduled within 30 days consistent with the current NSJ reassignment protocol.

Thank you.

Honorable Daniel J. Anders
Administrative Judge, Court of Common Pleas Trial Division

Honorable Rose Marie Defino-Nastasi
Supervising Judge, Court of Common Pleas Trial Division-Criminal