

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

No. 60 of 2020

President Judge General Court Regulation

In re: Adoption of Philadelphia Court of Common Pleas Criminal Rule *700

ORDER

AND NOW, this 25th day of September, 2020, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 17, 2020, to adopt Philadelphia Court of Common Pleas Criminal Rule *700, as attached to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the attached local rule, has determined that Rule *700 is not inconsistent with applicable statewide rules, and has authorized its promulgation.

NOW, therefore, it is hereby ORDERED and DECREED that Philadelphia Court of Common Pleas Criminal Rule *700 is adopted, as attached, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also 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/ Idee C. Fox

HONORABLE IDEE C. FOX
President Judge, Court of Common Pleas
Philadelphia County

Philadelphia Criminal Rule *700

Rule *700

- (A) The judge who presided at the trial or who received the plea of guilty or nolo contendere shall impose sentence unless there are extraordinary circumstances which preclude the judge's presence. In such event, another judge shall be assigned to impose sentence.
- (B) The supervision of a defendant serving a sentence may be transferred to a judge other than the original sentencing judge in any of the following situations:
 - (1) The original sentencing judge has been transferred out of the Criminal Division and consents in writing to the transfer of the supervision;
 - (2) The case has been accepted into a First Judicial District reentry program and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to a judge presiding over the reentry program;
 - (3) The defendant is facing a new sentencing in front of a different judge on a separate case and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to the other judge; or
 - (4) There exist extraordinary circumstances, including death, incapacitation or retirement, which preclude the presence of the original sentencing judge.

Comment:

Local Rule 700(A) tracks Pa.R.Crim.P. 700(A).

Pa.R.Crim.P. 700 also governs sentencings that result from a violation of probation or parole. *See Comm. v. McNeal*, 120 A.3d 313 (Pa. Super. 2015). Accordingly, Local Rule 700(B) flows from Pa.R.Crim.P. 700(B), which invites promulgation of local rules to expand the circumstances under which transfers from one judge to another may be made. Local Rule 700(B) reflects the recognition that transfers are appropriate under a variety of circumstances, including where a defendant has the opportunity to enter one of the First Judicial District's reentry programs or in order to consolidate a violation hearing in front of the "back judge" with the sentencing for a new case in front of a different judge.