

Lycoming County Public Defender's Office

Intern Handbook



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Lycoming County
Public Defender's Office

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PUBLIC DEFENDER INTERN JOB DUTIES

Interviewing clients and/or witnesses

Drafting basic Motions

Visiting county jail for interviews or colloquies

Assisting clients with guilty plea colloquies

Researching using Westlaw

Corresponding with clients

Interns are expected to visit the County Jail unaccompanied.

Appropriate clothing and compliance with county dress code is required.

Interns should have basic writing and computer skills.

Interns must comply with confidentiality requirements of the office and Attorney Rules of Professional conduct (portions attached). Posting on social media about confidential information obtained from the internship is forbidden.

**Rule 1.6 PA RULES OF PROFESSIONAL CONDUCT > CLIENT-LAWYER
RELATIONSHIP**

Rule 1.6. Confidentiality of Information

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

(b) [DELETED]

(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to prevent the client from committing a criminal act that the lawyer believes is likely to result in substantial injury to the financial interests or property of another;

(3) to prevent, mitigate or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services are being or had been used; or

(4) [DELETED]

(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

(e) The duty not to reveal information relating to representation of a client continues after the client-lawyer relationship has terminated.



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[Top 10 Links](#)
[Departments](#)
[Elected Officials](#)
[Courts](#)
[Public Safety](#)
[Additional Links](#)
[Re-Entry Coalition](#)
[Departments](#)
[Public Defender](#)
[About Pub Def](#)
[Register](#)
[Login](#)
[About Us](#)
[What We Do](#)
[How to Apply](#)
[Our Staff](#)
[Common Questions](#)
[Criminal Process](#)

Welcome to the Lycoming County Public Defender's Office.

We provide legal representation to those who are financially unable to retain legal services in matters where counsel is constitutionally guaranteed.

History

In 1968, the Pennsylvania General Assembly enacted the Public Defender Act as a result of the 1963 decision in *Gideon v Wainright*. This act specified the duties of the Public Defender and established the Office of the Public Defender throughout Pennsylvania.

Services

We represent individuals in the following cases:

- ~ All misdemeanors and felony cases from the filing of the charges through trial and the conclusion of all State Appeals
 - ~ Summary offenses - only if there is a likelihood a prison sentence will be imposed for example: Driving Under Suspension if habitual offender and Driving Under Suspension DUI related offenses
 - ~ Summary conviction Appeals: if a jail sentence was imposed
 - ~ Domestic Relations- Contempts of court for failure to pay child support
 - ~ Probation and Parole Violation hearings
 - ~ PFA Contempts
 - ~ PCRA (Post Conviction Relief Act) Hearings
 - ~ Juvenile Cases
 - ~ Mental Health Involuntary Commitment Hearings
 - ~ Protection From Abuse Contempt Hearings
 - ~ Children and Youth Cases

We DO NOT represent the following cases:

- ~ Family matters such as divorce, child custody, child support, and initial PFA proceedings
 - ~ Traffic violations/citations - unless there is a mandatory prison sentence
 - ~ Landlord tenant matters

For help with any matters that do not qualify for representation from the Lycoming County Public Defender's Office you can contact the Lycoming Law Association (570) 323-8287 or www.lycolaw.org

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The Criminal Process

If you are unfamiliar with the Criminal Justice System this will give you a description of the steps you will encounter. It is important to listen to your Public Defender and follow their advise. It is also crucial that you attend all of your scheduled court dates. If you fail to appear a Bench Warrant will be issued for your arrest. In order to have a Bench Warrant dismissed you must contact your Public Defender immediately to reschedule your next appearance. This information is not legal advice. This information is meant to give people general knowledge of the criminal process in Lycoming County.

Stages

Preliminary Arraignment

If you have been arrested you may be brought before a Magisterial District Judge, either in person or via video. You will be asked questions about employment, residence, criminal history, and other information that helps determine the type of Bail that will be set. This proceeding must occur timely. A Public Defender will not be present at this stage.

Preliminary Hearing

This occurs after you either attend a Preliminary Arraignment, after being arrested, or after you receive charges in the mail. This hearing will be scheduled at a District Judge's Office.

This is often your first appearance. At this stage, the judge will not determine guilt or innocence. The judge will determine whether a crime occurred and whether you committed it. You will not present evidence or witnesses at this stage. Generally charges will not be dismissed at the Preliminary Hearing. If the charges are not dismissed at this time, you will be scheduled for a Formal Arraignment. If Bail has not previously been set, it will be at this time. You will be asked a series of questions to determine appropriate Bail.

Formal Arraignment

At this appearance, you will receive formal notice of the charges filed against you. Your attorney will notify the court of his/her representation of you by "Entering Appearance". At this stage, a plea agreement is entered into record if one is agreed upon. You also have the option to enter a plea of not guilty. If you choose to plead not guilty your Formal Arraignment will most likely be waived. Your attorney will also request that the District Attorney's Office provide all evidence against you through "Discovery". This can be a long process so please be patient with your attorney.

Status Conference

In Lycoming County this is an informal meeting between your attorney and a judge. You must be present for this unless the court allows you to be absent. Generally, this is just a meeting to discuss your case. Your case will not be resolved at the Status Conference. If your attorney negotiates a plea agreement, you will be scheduled for a Guilty Plea court date, otherwise you will be scheduled for a PreTrial date.

PreTrial Date

Although you are not required to attend this, this date is an important part of your case.

Prior to this date, you must meet with your attorney to discuss names, addresses, and telephone numbers of possible witnesses. You will also discuss any issues or questions you may have with your case. This included any conflicts you have with dates during the trial term.

Call of the List

This is generally the first day of Jury Selection. When you reach this date, your case usually is going to proceed to trial. You must be prepared to select a jury on the Call of the List date or subsequent jury selection dates. Sometimes, the District Attorney will present an offer that you may accept on this date. Should you select a jury, the District Attorney's Office generally will not make any new plea agreements after jury selection.

Trial

It is your right to proceed to trial. There are two types of trial; jury trial and non-jury trial. You have the right to a jury trial if you are charged with an offense that carries more than 6 months imprisonment. If you are charged with an offense that carries less than 6 months imprisonment, you will have a non-jury trial. Juries consist of 12 jurors who are selected from Lycoming County residents. Jurors decide whether you are guilty or not. The jury must unanimously agree on a verdict. A non-jury trial is when the judge decides guilt or innocence. You are presumed innocent until proven guilty. During this process, it is crucial that you cooperate with your attorney and listen to their advice.

Sentencing

Following a trial where you have been found guilty, or after entering a guilty plea, you will be scheduled to be sentenced. If you entered a guilty plea, at this proceeding, a judge will either accept or deny your plea agreement and impose a sentence. If you proceeded to trial and were convicted, it is at this proceeding the court will impose a sentence. You should be prepared, if you are being sentenced to jail, to begin serving your sentence including any period of incarceration at this time.

Post Sentence Motion and Appeals

Under Pennsylvania Rules of Criminal Procedure, and according to the circumstances of the case, after sentencing a Motion or Appeal may be filed to raise legal issues. You must seek advice of your Public Defender as to whether or not this is appropriate in your case. If you entered into a plea agreement and are sentenced in accordance with the agreement, this will limit your rights to an appeal. If you had a trial by jury or by non-jury, you may have more grounds to appeal. You must discuss this with your attorney. Issues differ case by case and need to be evaluated individually.

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PRELIMINARY

ARRAIGNMENT

(if arrested on Felony Charge OR by a warrant, taken before a district judge)

READ CHARGES

SET BAIL

MUST GET FINGERPRINTED



Commonwealth must prove prima facie case (probably a crime happened, and you probably did it)

Bail is set (if not done earlier)

Hearing Options:

Have a hearing with witnesses (Can be solely on hearsay)

Waive hearing (may get plea offer)

PRELIMINARY HEARING

FORMAL ARRAIGNMENT

PLEA either

GUILTY or NOT GUILTY or

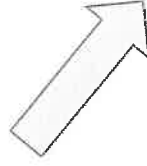
WAIVED (a not guilty plea is entered on your behalf)

IF NOT GUILTY or WAIVED either: Future plea date or Trial or Treatment Court

IF GUILTY PLEA, SENTENCED OR POSTPONED FOR SENTENCING DATE



OR



OR

Plea of **GUILTY**:

Sentenced or

Postpone sentencing

If you plead NOT GUILTY, you are scheduled for trial

GUILTY PLEA HEARING

TREATMENT COURT

GUILTY PLEA

And sentenced

If you plead **NOT GUILTY**, you are scheduled for trial

Jury or non-jury

Commonwealth must prove you guilty beyond a reasonable doubt

You **MUST** be present for Call of the list

Discovery within 30 days, Pre-Trial Motions filed,

TRIAL

Initial Interview

Interviewer: _____ Date: _____ Location: _____

Client Full Name: _____

Incarcerated: Yes ☐ No ☐ Date Incarcerated: _____

Finger Printed on this case: Yes ☐ No ☐

On Probation/Parole: Yes ☐ No ☐ Probation/Parole Officer: _____

Detainer: Yes ☐ No ☐ County/State of Detainer: _____

Mental Health Diagnosis? _____ Health issues _____

Medications/Prescriptions: _____

Drugs or alcohol use: Yes ☐ No ☐ If yes, drug of choice _____

Previous Treatment: _____

Participated in treatment court: Yes ☐ No ☐

Are you currently involved with Children and Youth? Yes ☐ No ☐

Are you a veteran? Yes ☐ No ☐

Notes:

Bail Information

Bail Amount: _____

Eligible for Supervised/Intensive Supervised Bail: Yes ☐ No ☐

Employment: _____

Address if released: _____

Reside with: _____

Life-long resident of Lycoming County? Yes ☐ No ☐

If not life-long resident, amount of time client lived in Lycoming County _____

Does Client give permission for family/ close friends to communicate with our office? Yes ☐ No ☐

If Yes list contact information below:

Name

phone number/email

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I understand this may disclose details about my case or my defense, court dates, and other information relevant.

Client Signature _____

Court Summary attached? Yes ☐ No ☐

Prior Record

Charges	Date	F/M	Disposition

Statement

Any statements made to police? Yes ☐ No ☐

If yes, was statement recorded or written? Yes ☐ No ☐

Co-defendants/Alibi/Witnesses? Yes ☐ No ☐

If yes, list information below:

Name	Contact Information

Client Version

Date(s) of Incident: _____

[illegible]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

How does Client wish to proceed?

Rule 521

RULES OF CRIMINAL PROCEDURE

require that the defendant perfect the appeal in less time than that allowed by law.

Unless bail is revoked, the bail bond is valid until full and final disposition of the case. See Rule 534. The Rule 534 *Comment* points out that the bail bond is valid through all avenues of direct appeal in the Pennsylvania courts, but not through any collateral attack.

Note: Former Rule 4009, previously Rule 4011, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4009 and title amended July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 532. Present Rule 4009 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 521 and amended March 1, 2000, effective April 1, 2001; *Comment* revised June 4, 2004, effective November 1, 2004.

Rule 522. Detention of Witnesses

(A) After an accused has been arrested for any offense, upon application of the attorney for the Commonwealth or defense counsel, and subject to the provisions of this chapter, a court may set bail for any material witness named in the application. The application shall be supported by an affidavit setting forth adequate cause for the court to conclude that the witness will fail to appear when required if not held in custody or released on bail. Upon receipt of the application, the court may issue process to bring any named witnesses before it for the purpose of demanding bail.

(B) If the material witness is unable to satisfy the conditions of the bail bond after having been given immediate and reasonable opportunity to do so, the court shall commit the witness to jail, provided that at any time thereafter and prior to the term of court for which the witness is being held, the court shall release the witness when the witness satisfies the conditions of the bail bond.

(C) Upon application, a court may release a witness from custody with or without bond, or grant other appropriate relief.

Comment: This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

"Conditions of the bail bond" as used in this rule include the conditions set forth in Rule 526(A) and the conditions of release defined in Rules 524, 527, and 528.

Pursuant to paragraph (C), a witness may be released on his or her own recognizance conditioned upon the witness' written agreement to appear as required. See Rule 524.

This rule does not affect the compensation and expenses of witnesses under the Judicial Code, 42 Pa.C.S. § 5903, or the provisions of the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings. See 42 Pa.C.S. §§ 5963(c) and 5964(b) relating to bail.

In cases in which bail is set for a material witness pursuant to this rule, the court should consider all the types of release permitted in

Rule 524 and the conditions of nonmonetary release upon bail available under Rule 527. When a material witness is to be detained, the court should impose the least restrictive means of assuring that witness' presence, including the use of release on the witness' own recognizance or release upon other nonmonetary conditions, such as electronic monitoring, especially when the witness has limited financial means to post monetary bail.

Note: Former Rule 4017, previously Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4017 July 23, 1973, effective 60 days hence; *Comment* revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 522. Present Rule 4017 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 522 and amended March 1, 2000, effective April 1, 2001; *Comment* revised April 28, 2006, effective August 1, 2006.

PART C(1). RELEASE PROCEDURES

Rule 523. Release Criteria

(A) To determine whether to release a defendant, and what conditions, if any, to impose, the bail authority shall consider all available information as that information is relevant to the defendant's appearance or nonappearance at subsequent proceedings, or compliance or noncompliance with the conditions of the bail bond, including information about:

- (1) the nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;
- (2) the defendant's employment status and history, and financial condition;
- (3) the nature of the defendant's family relationships;
- (4) the length and nature of the defendant's residence in the community, and any past residences;
- (5) the defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
- (6) if the defendant has previously been released on bail, whether he or she appeared as required and complied with the conditions of the bail bond;
- (7) whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
- (8) the defendant's prior criminal record;
- (9) any use of false identification; and
- (10) any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.

(B) The decision of a defendant not to admit culpability or not to assist in an investigation shall not be a reason to impose additional or more restrictive conditions of bail on the defendant.

Comment: This rule clarifies present practice, and does not substantively alter the criteria uti-

lized by the bail authority to determine the type of release on bail or the conditions of release reasonably necessary, in the bail authority's discretion, to ensure the defendant's appearance at subsequent proceedings and compliance with the conditions of the bail bond.

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation of the offense or the fact that the defendant is a nonresident.

In addition to the release criteria set forth in this rule, in domestic violence cases under Section 2711 of the Crimes Code, 18 Pa.C.S. § 2711, the bail authority must also consider whether the defendant poses a threat of danger to the victim.

When a defendant who has been released on bail and is awaiting trial is arrested on a second or subsequent charge, the bail authority may consider that factor in conjunction with other release criteria in setting bail for the new charge.

Note: Previous Rule 4002, formerly Rule 4003, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4002 and amended July 23, 1973, effective 60 days hence; *Comment* revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. Present Rule 4002 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; amended September 3, 1999, effective immediately; renumbered Rule 523 and *Comment* revised March 1, 2000, effective April 1, 2001.

Rule 524. Types of Release on Bail

(A) If bail is set pursuant to Rule 520, the defendant shall be eligible for the following types of release on bail. The bail authority, after considering the release criteria in Rule 523, shall determine the type or combination of types of release on bail reasonably necessary, in the bail authority's discretion, to ensure that the defendant will appear at all subsequent proceedings and comply with the conditions of the bail bond.

(B) All of the types of release in paragraph (C) shall be conditioned upon the defendant's written agreement to appear and to comply with the conditions of the bail bond set forth in Rule 526(A).

(C) The types of release on bail are:

(1) *Release On Recognizance (ROR):* Release conditioned only upon the defendant's written agreement to appear when required and to comply with the conditions of the bail bond in Rule 526(A).

(2) *Release on Nonmonetary Conditions:* Release conditioned upon the defendant's agreement to comply with any nonmonetary conditions, as set forth in Rule 527, which the bail authority determines are reasonably necessary to ensure the defendant's appearance and compliance with the conditions of the bail bond.

(3) *Release on Unsecured Bail Bond:* Release conditioned upon the defendant's written agreement to be liable for a fixed sum of money if he or she fails to appear as required or fails to comply with the conditions of the

bail bond. No money or other form of security is deposited.

(4) *Release on Nominal Bail:* Release conditioned upon the defendant's depositing a nominal amount of cash which the bail authority determines is sufficient security for the defendant's release, such as \$1.00, and the agreement of a designated person, organization, or bail agency to act as surety for the defendant.

(5) *Release on a Monetary Condition:* Release conditioned upon the defendant's compliance with a monetary condition imposed pursuant to Rule 528. The amount of the monetary condition shall not be greater than is necessary to reasonably ensure the defendant's appearance and compliance with the conditions of the bail bond.

Comment: The decision as to what type or combination of types of release on bail is appropriate for an individual defendant is within the discretion of the bail authority, using the criteria set forth in Rule 523.

Consistent with existing practice, the bail authority must initially determine whether the defendant is likely to appear at subsequent proceedings and comply with the conditions of the bail bond set forth in Rule 526(A) if released on ROR.

The bail rules prior to the 1995 reorganization required a defendant to be released on ROR when the most serious offense charged was punishable by a maximum sentence of imprisonment of not more than 3 years, the defendant was a resident of the Commonwealth, the defendant posed no threat of immediate physical harm to himself or herself or others, and the bail authority had reasonable grounds to believe that the defendant would appear as required. Cases that fall within similar parameters under the new rules adopted in 1995 should continue to be treated in the same manner.

If the bail authority determines that ROR will not reasonably ensure the defendant's appearance and compliance with the conditions of the bail bond, see Rule 526(A), the bail authority should consider which other type or combination of types of release on bail, as provided in paragraphs (C)(2)-(5) of this rule, will be sufficient to reasonably ensure the defendant's appearance and compliance, taking into consideration facts specific to the individual defendant, such as the need to abstain from the use of alcohol or drugs.

Nominal bail may be used as an alternative to releasing a defendant on his or her own recognizance when it is desirable to have a surety. It should be used when the bail authority believes the defendant is a sufficiently good bail risk so as not to require the imposition of nonmonetary conditions of release or a monetary condition in a significant amount, but is not sufficiently reliable for ROR. The purpose of the surety is to facilitate interstate apprehension of any defendant who absconds by allowing the nominal surety the right to arrest the defendant without the necessity of extradition proceedings. See *Frisbie v. Collins*, 342 U.S. 519 (1952). A bail agency

BAIL REDUCTION QUESTIONNAIRE
PLEASE RETURN TO THE PUBLIC DEFENDER'S OFFICE

YOUR NAME: _____

ATTORNEYS NAME: _____

DATE: _____

INSTRUCTIONS: You have requested a reduction in your current bail. In order to properly prepare the petition, it is necessary to obtain some basic facts from you. Please answer the following questions to the best of your ability. The answers to these questions will facilitate the preparation of a bail reduction petition. Return this questionnaire to the Public Defender's Office in the enclosed envelope via county mail.

YOUR AGE _____

CURRNT CHARGES _____

CURRENT BAIL (AMOUNT) _____

HAVE YOU BEEN MADE ELIGIBLE FOR INTENSIVE SUPERVISED BAIL? _____

HAVE YOU BEEN MADE ELIGIBLE FOR SUPERVISED BAIL? _____

ARE YOU CURRENTLY ON ANY OF THE FOLLOWING (PLEASE CIRCLE ALL APPROPRIATE RESPONSES).

State Parole

State Probation

County Parole

County Probation

County Intermediate Punishment

HAVE YOU BEEN DETAINED BY EITHER COUNTY ADULT PROBATION OR THE STATE BOARD OF PROBATION AND PAROLE? _____

Please note that if you are currently on either state parole or county parole and a detainer has been lodged against you, you will not be released from jail. You are not entitled to bail on a parole detainer. Accordingly, if you are released on bail on your current charges, your parole detainer would keep you in jail.

ADDRESS WHERE YOU WOULD RESIDE UPON RELEASE FROM JAIL

DOES ANYONE LIVE WITH YOU AT THAT ADDRESS, IF SO, WHO?

HOW LONG HAVE YOU LIVED AT THIS ADDRESS? _____

HOW LONG HAVE YOU LIVED IN LYCOMING COUNTY? _____

DO YOU HAVE ANY FAMILY CURRENTLY LIVING IN LYCOMING COUNTY? IF YES, PLEASE LIST THEIR NAMES AND RELATIONSHIP TO YOU. _____

DID YOU HAVE A JOB PRIOR TO INCARCERATION? _____
IF YES, WHERE? _____

IF YOU ARE RELEASED, WOULD YOU HAVE A JOB? _____
IF YES, WHERE? _____

DO YOU HAVE ANY CHILDREN? _____
IF YES, HOW MANY, WHERE DO THEY LIVE, AND WHO DO THEY LIVE WITH? _____

HOW FAR DID YOU GO IN SCHOOL? _____

DO YOU HAVE ANY MENTAL HEALTH DIAGNOSES? IF SO, WHAT? WHAT MEDICATIONS DO YOU TAKE? _____

DO YOU OR HAVE YOU IN THE PAST HAD ANY SUBSTANCE/ALCOHOL ABUSE? _____

ANY COUNSELING? YES OR NO – IF YES, WHERE? _____

DO YOU HAVE ANY ORGNIZATIONS YOU BELONG TO? CHURCH, ISLAMIC CENTER, ETC.? _____

HAS A BENCH WARRANT EVER BEEN ISSUED FOR YOUR ARREST BECAUSE YOU FAILED TO APPEAR AT A COURT HEARING? _____

ARE THERE ANY OTHER CIRCUMSTANCES THAT THE COURT SHOULD TAKE INTO CONSIDERATION WHEN THEY HEAR YOUR BAIL REDUCTION PETITION? _____

HAVE YOU EVER BEEN RELEASED ON BAIL BEFORE? YES OR NO

HAVE YOU EVER HAD ANY BAIL VIOLATIONS? YES OR NO

IF YES, BRIEFLY EXPLAIN:

HAVE YOU EVER BEEN CONVICTED OR CHARGED WITH ESCAPE, USE OF FALSE ID OR RELATING CHARGES? YES OR NO

DO YOU HAVE ANY OTHER CHARGES PENDING IN THIS OR ANY OTHER COUNTY?
DO YOU HAVE A PAROLE OR PROBATION VIOLATION ACTION PENDING? IF YES,
PLEASE LIST THE FOLLOWING INFORMATION

PENDING CRIMINAL CHARGES:

COUNTY	CHARGES	BAIL AMOUNT
Example: Lycoming	Theft	\$1000
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PAROLE/PROBATION VIOLATIONS

COUNTY/STATE?	PAROLE OR PROBATION?	BAIL SET? AMOUNT?
Example: State	Probation	\$10,000
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please note that while we can request a reduction of bail on current criminal charges in Lycoming County, this bail reduction does not reduce bail on any other county's charges and any state or other county parole/probation violations. You will need to request a bail reduction from each county holding you before you will be released. Further, please note that if another county has a hold on you, and Lycoming County reduces your bail so that you can be released, you will most likely be transferred to the other County's jail.

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

:
:
:
:
:
:
:

NO./NOS.

DATE: _____

Defendant

(of _____ Plea)

COUNT	CHARGE	GRADE	MAXIMUM YEARS	PUNISHMENT FINE	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE

TOTAL:

Sentence Guideline Range:

Standard

Aggravated

Mitigated

Applicable Sentencing Provisions (mandatory, SIP, RRRI, Boot Camp, Sex Offender
Registration, License suspension):

Terms of Plea Agreement: _____

Credit: _____

PLEA

You are present before this Court because you or your lawyer have stated that you wish to enter a plea accepting responsibility to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions on this document. If you do not understand any question, do not answer that question. If you do understand the question, you should answer "yes" or "no," or fill in another appropriate answer.

This is a sworn statement. After you have finished reading this form and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. **If there is anything that you do not understand, you should tell your lawyer and the judge who hears your case, so that they can explain it to you fully, to make sure that you understand all your rights.**

Most of these questions can be answered "yes" or "no." Where general information is requested, please answer fully.

1. What is your full name? _____
2. Has your attorney explained to you all the elements of the crime or crimes to which you intend to enter a plea? _____
3. If there is a plea agreement, do you understand that the judge is not bound by this agreement and the judge does not have to accept it? _____
4. Do you understand that if the judge does not accept the plea agreement that you may then withdraw your plea? _____
5. Do you fully understand the permissible range of sentences and/or fines that can be imposed for the crime/crimes to which you are entering a plea? _____
6. Other than the plea agreement which is a recommendation to the judge, you understand that no one can tell you what the sentence of the judge will be? _____. Has anyone told you what the sentence will be? _____
7. Do you understand that you do not have to enter a plea and that you have a constitutional right to a trial by jury if your maximum sentence is greater than 6 months? _____
8. Do you understand that if the Commonwealth consents, you may waive your right to a jury trial and have your case tried before a judge who would then decide whether you are guilty or not guilty? _____

9. Do you understand that if you were to choose to go to trial that you are presumed to be innocent and that the Commonwealth must prove your guilt beyond a reasonable doubt to each element of every crime charged? _____
10. Do you understand that: a) If you choose to go to trial, you do not have to testify – you may tell your side of the story, but you do not have to; b) If you choose not to testify, the jury and/or the judge cannot hold that against you, and they may not consider that in any way in reaching a verdict? _____
11. Do you understand that if you were to go to trial, you do not have to present any evidence or have anyone testify on your behalf – you may but you do not have to, and the judge and/or jury cannot hold it against you if you do not? _____
12. Do you understand that you do not have to establish or prove your innocence, and it is absolutely necessary that the Commonwealth prove your guilt beyond a reasonable doubt? _____
13. Do you understand that
- a. if you enter a plea you are waiving, or giving up your right to have the Commonwealth prove your guilt beyond a reasonable doubt? _____
 - b. although the Commonwealth has the burden of proving that you are guilty, this does not mean that the Commonwealth must prove its case beyond all doubt and to a mathematical certainty, nor must it demonstrate the complete impossibility of innocence? _____
 - c. a reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before acting upon a matter of importance in his or her own affairs. A reasonable doubt must fairly arise out of the evidence that was presented or out of the lack of evidence presented with respect to some element of the crime. A reasonable doubt must be a real doubt; it may not be an imagined one, nor may it be a doubt manufactured to avoid carrying out an unpleasant duty.

Do you understand what guilt beyond a reasonable doubt is? _____

14. Do you understand that if you enter a plea you are waiving, or giving up, your right to present any defenses that either you or your attorney may think that you have to the crime or crimes charged? _____
15. a. Do you understand that by entering a plea you are waiving, or giving up, your right to file any pre-trial motions and waiving any such motions already filed? _____
- b. Do you understand that you are giving up your right to appeal any adverse decisions on any motions already heard by the court? _____

16. It is necessary that you understand the jury selection process. If you were to go to trial, a group of people, picked at random and representing a cross section of the citizens of Lycoming County, would be brought into the courtroom. They would be placed under oath; that is, they would be sworn to tell the truth. While they are under oath, you, through your attorney, would have the right to ask them certain questions, as would the Commonwealth's attorney. These questions would be designed to determine whether the prospective jurors could be fair and impartial. If the answers to the questions would indicate to the Judge that the prospective juror/jurors could not be fair and impartial, they would be dismissed for cause. There is no limit to the number of jurors that can be dismissed for cause.

In addition to this, you, through your attorney and the Commonwealth's attorney would each have the right to cross off or eliminate five jurors if the most serious charge is a Misdemeanor, or seven jurors each, if the most serious charge is a Felony. These are known as peremptory challenges. You do not have to give any reason to anyone as to why you dismissed these prospective jurors. The end result would be twelve jurors and two alternates who would sit and listen to the entire case. Only twelve of these jurors would then go to the jury room to deliberate on the case and determine whether the Commonwealth has proven you guilty beyond a reasonable doubt.

- a. Do you understand the jury selection process? _____
 - b. Do you understand that you have a right to help and to assist your attorney in selecting a jury? _____
 - c. Do you understand that in order to find you guilty the jury must reach a unanimous verdict? In other words, do you understand that all twelve jurors must be convinced beyond a reasonable doubt that the District Attorney has proven you guilty? _____
 - d. Do you understand that if you enter a plea you are waiving, or giving up, your right to a trial by jury? _____
 - e. Do you understand that if you enter a plea you are waiving, or giving up, your right to be tried by a judge who would decide your guilt or innocence?

17. Do you understand that if you choose to go to trial, the Commonwealth would call certain witnesses to testify against you and that you have a right to confront and cross-examine these witnesses? _____
18. Do you understand that if you enter a plea you are waiving, or giving up, your right to confront and cross-examine the witnesses that the Commonwealth would call to testify against you? _____

19. Do you understand that if you enter a plea of _____ you are waiving your right to object to anything that you think was improper or illegal in your apprehension and arrest, or in the investigation, and the prosecution of the charges against you? _____
20. There are certain rights that you do not waive even after sentencing. You have a right to appeal your conviction to the Superior Court within 30 days after the date of sentencing. The appeal of this plea is limited to four grounds. They are:
- a. That your plea was not a knowing, understanding, and voluntary act;
 - b. That the Court did not have jurisdiction to accept your plea (in other words, the crime or crimes for which you are pleading did not occur in Lycoming County);
 - c. That the sentence was improper or in excess of a plea agreement or illegal; and,
 - d. That your attorney was not effective and improperly induced your plea.

Do you understand these four areas of appeal, what they mean, and the fact that they are not given up by your plea? _____

21. Whose decision is it to enter a plea of _____ today? _____

22. Why do you wish to enter this plea? _____

23. What is the name of your attorney? _____

24. Have you thoroughly discussed with your attorney all of the facts and circumstances surrounding the charges against you? _____

25. Are you satisfied with the representation and advice of your attorney? _____

26. Have you used any alcoholic beverages or drugs of any nature, including prescription drugs, within the last 24 hours? _____

27. If the answer to question number 26 is yes, is the use of such alcoholic beverages or drugs affecting your ability to make decisions or to understand what you are now doing? _____

28. What is your age? _____

29. How many years of school did you complete? _____

30. Can you read, write and understand the English language? _____

31. If the answer to question number 30 is no, has this written plea colloquy been read to you in a manner that enables you to fully understand all of the statements, questions, and answers? _____
32. Are you presently under treatment for any mental or emotional problems? _____
33. Are you now suffering from any mental or emotional problems? _____
34. If the answer to 33 is yes, are those problems affecting your ability to make decisions or understand what you are now doing? _____
35. Has anybody made any promises to you (other than those in the plea agreement), threatened you in any manner, or done or said anything that would force you or put pressure on you to enter your plea? _____
36. Is your plea of _____ being given freely and voluntarily without any force, threats, pressure or intimidation? _____
37. Has your attorney fully explained to you the meaning of all the terms of this document? _____
38. If you were on probation or parole at the time the crimes happened, do you realize that your plea will mean a violation of that probation or parole, and you could be sentenced to prison as a result of the violation caused by your plea today? _____
39. Do you understand that by entering a plea and being sentenced by the assigned Judge, you are agreeing that if you are alleged to have committed a supervision violation in the future, that a violation hearing may be held in front of a different Judge? _____
40. If you are not a United States citizen, do you understand that a plea may affect your ability to live in the United States? _____
41. Do you understand that the decision to enter a plea is yours and yours alone, that you do not have to enter a plea and give up all your rights as previously explained to you, and that no one can force you to enter a plea? _____
42. Do you realize that you have a right to plead not guilty as well as _____?

43. Do you completely understand all the instructions, terms, provisions, questions and answers of this written plea colloquy form? _____

I swear or affirm that I have read this entire document or it was read to me and I understand its full meaning, and I still, nevertheless, want to enter a plea of _____ to the offense or offenses specified.

DATE: _____
Defendant

(Page 6 of 6)

Initial: _____

ATTORNEY'S CERTIFICATION

I, _____, am the defense attorney for
_____, who has expressed a desire to enter a plea
of _____ to the charges hereinabove set forth and do hereby certify:

1. I have thoroughly explained each and every paragraph of each and every page of the written plea colloquy to the defendant.
2. I believe that the defendant understands the entire written plea colloquy.
3. I have thoroughly discussed all of the facts and circumstances surrounding the filing of the charges against the defendant.
4. I have thoroughly explained each and every element of each and every crime to which the defendant has expressed a desire to enter a plea of _____.
5. I have thoroughly explained to the defendant all the common law, statutory, and constitutional rights that the defendant will be waiving if he pleads _____.
6. I believe that the defendant understands:
 - a. Each and every element of the crime to which the defendant has expressed a desire to enter a plea.
 - b. All the common law, statutory and constitutional rights that the defendant will be waiving if he enters a plea.
 - c. Any and all consequences which may occur as a result of his plea to the charges as required by law.
7. If the defendant enters a _____ plea, I know of no reason why such a plea would not be made as a knowing, understanding, intelligent and voluntary act.
8. Other than the rights that have been waived in this written plea colloquy I know of no other common law, statutory, or constitutional right that must be waived by the defendant in order to make his/her plea valid and binding.
9. If the offered plea is that of nolo contendere, I have fully explained the consequences and effect of the plea of nolo contendere to the defendant, and have explained to the defendant that by entering a plea of nolo contendere he/she is accepting a verdict of guilty to the crime/crimes hereinabove set forth.

DATE: _____ NAME: _____

Initial: _____

**29th Judicial District of Pennsylvania
Lycoming County
Court of Common Pleas Dress Code**

Employees of the Lycoming County Court of Common Pleas are expected to dress in an appropriate manner to project a professional business like image to the public and fellow employees. Acceptable personal appearance like proper maintenance of work area is an ongoing requirement of employment with the county. This requirement is in effect when the employee is representing the court at any out of office function.

Proper grooming and attire have a positive impact on the office climate. Clothing that is too tight or short or that shows your back, chest, stomach or underwear is never appropriate. Visible tattoos must be completely covered while at work and visible body piercing (except ears) shall not be worn.

This Dress Code applies to all full and part time employees of the 29th Judicial District. This policy also applies to interns assigned to each department who are expected to work for a predetermined prescribed period of time.

Because all casual clothing is not suitable for the office, these guidelines will help you determine what is appropriate to wear to work. The attached chart is divided into court and office appearance. Department Heads that require employees to be in the field to complete their work have authority to allow exceptions to the dress code based on work assignment.

The following are general rules that cover all areas of work:

Skirts, Dresses, and skirted Suits

Dresses and skirts should be at an appropriate length at which you can sit comfortably in public. Short, tight skirts that ride halfway up the thigh are inappropriate for work. Mini-skirts, skorts, sundresses, beach dresses, and spaghetti-strap dresses are inappropriate for the office.

Jewelry, Makeup, Perfume and Cologne

Jewelry and accessories should be suitable for the workplace. Jewelry should not be lewd or offensive and should be of professional taste to accent the professional appearance of the employee. Visible body piercing (except ears) and ear gauges are prohibited. Please wear perfumes, make-up and cologne with restraint. These substances can cause an allergic reaction for fellow employees and members of the public.

Personal Grooming

All employees should maintain a clean and groomed appearance at all times. Attention to personal hygiene is expected. Unconventional hairstyles or applied, unnatural hair colors are not appropriate. Hair color must be of the range of natural hair color. Hair shall be cleaned combed, and neatly trimmed.

Religious Attire

The Court will make every effort to accommodate employees dress standards that are dictated by religious beliefs.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work. If you are uncertain, it is probably not appropriate. Please ask your department manager.

The chart offered below serves only as a guideline for court and office appearance.

Guideline for Appropriate Attire - for Court

Men	Women
<ul style="list-style-type: none"> • Suit, Dress shirt & tie • Sport coat, dress pants, dress shirt & tie • Dress shoes & socks • Khaki Dress Pants (no cargo pants) <p>All shirts must have collars. Dress pants may include traditional style Dockers, corduroys and khakis</p>	<ul style="list-style-type: none"> • Suit or dress • Skirt or dress slacks, with blazer/ blouse/ sweater • Dress shoes or boots • Dress sandals with backs <p>Dress slacks may include traditional style corduroys and khakis</p>

Guideline for Appropriate Attire - for Office

Below is a general overview of appropriate business casual attire. Items that are not appropriate for the office are listed too. Neither list is all-inclusive and both are open to change.

Slacks, Pants, and Suit Pants

Men	Women
<p>Appropriate:</p> <ul style="list-style-type: none"> • Dockers • Khakis • Other cotton or synthetic material pants • Cargo Pants (field work only) <p>Inappropriate:</p> <ul style="list-style-type: none"> • Jeans (except for donation day) • Sweatpants/exercise pants • Shorts • MC Hammer pants 	<p>Appropriate:</p> <ul style="list-style-type: none"> • Dockers • Khakis • Chinos • Mid-calf length dress pants (Capris) • Other cotton or synthetic material slacks <p>Inappropriate:</p> <ul style="list-style-type: none"> • Jeans (except for donation days) • Pants that are less than mid- calf • Sweatpants/exercise pants • Shorts • Leggings as outerwear • Spandex or other form-fitting pants

Shirts, tops, Blouses, and Jackets

Men	Women
<p>Appropriate:</p> <ul style="list-style-type: none"> • Casual Shirts • Dress Shirts • Sweaters • Golf-type/polo shirts • Turtlenecks • Suit jackets • Court Logo Shirts <p>Inappropriate:</p> <ul style="list-style-type: none"> • Sleeveless shirts • Shirts with potentially offensive words, team logos, pictures, cartoons, or slogans • Sweatshirts • T-shirt unless worn under another shirt 	<p>Appropriate:</p> <ul style="list-style-type: none"> • Blouses • Dress shirts • Sweaters • Suit jackets • Turtlenecks • Court Logo Shirts <p>Inappropriate:</p> <ul style="list-style-type: none"> • Tank tops • Midriff tops • Shirts with potentially offensive words, team logos, pictures, cartoons, or slogans • Halter-tops • Tops with bare shoulders • Sweatshirts • T-Shirts unless worn under another blouse, shirt, jacket or dress

Shoes and Footwear

Men	Women
<p>Appropriate:</p> <ul style="list-style-type: none"> • Dress Shoes • Casual Footwear and boots <p>Inappropriate:</p> <ul style="list-style-type: none"> • Sandals • Athletic shoes • Tennis shoes • Flip-flops • Slippers • Rubber shoes similar to Crocs 	<p>Appropriate:</p> <ul style="list-style-type: none"> • Dress shoes-flats, heels, dressy sandals with backs <p>Inappropriate:</p> <ul style="list-style-type: none"> • Athletic shoes • Tennis shoes • Flip-flops • Slippers • Rubber shoes similar to Crocs