

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY,
COURTHOUSE ACCESS, AND
SCHEDULING

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* Civ. Misc. No. 2020-1438
* Crim. No. CP-11-MD-0063-2020
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* Sup. Ct Dkt. No. 36 WM 2020
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SIXTH SUPPLEMENTAL ADMINISTRATIVE ORDER

AND NOW, this 28th day of May 2020, in consideration of the ongoing COVID-19 pandemic, the inherent risk of exposure that exists in any place where people gather, and of the public health advisories to reduce exposure through mitigation strategies, pursuant to the Court's Declaration of Judicial Emergency **IT IS HEREBY ORDERED, DIRECTED, AND DECREED** as follows:

- 1) The following locations constitute a Court Facility for the purpose of this Order: the Cambria County Courthouse; the offices of the Magisterial District Judges of the 47th Judicial District; all areas of the Central Park Complex after the security checkpoint; and the Cambria County Domestic Relations Office.
- 2) For the purposes of this Order, Advanced Communication Technology (ACT) includes, but is not limited to: systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail. See, Pa.R.J.A. No. 1952(A)(2)(e) & comment; Pa. R. Crim P. 103 (defining advanced communication technology).
- 3) In accordance with guidance from the Centers for Disease Control and Prevention (CDC) and the Pennsylvania Department of Health (DOH) procedures to limit potential exposure to COVID-19 will be implemented including:

- a. Access to Court Facilities shall be limited to allow for social distancing. All persons entering Court Facilities will be temperature checked at the entrance. Individuals with temperatures of 100.4 degrees Fahrenheit or higher will be denied access.
 - b. All members of the public are required to wear face masks or other facial covering over the nose and mouth with the exception of children under the age of two (2) and individuals who cannot wear a mask due to a documented medical condition. Face masks or coverings shall be worn at all times in all public spaces, including but not limited to: courtrooms; corridors; stairways; elevators; entranceways; and offices.
 - c. Social distancing and other mitigation strategies recommended by the CDC and the DOH shall be observed.
 - d. All persons seeking access to a Court Facility may be subject to questioning as is necessary to determine if the person: has been diagnosed with COVID-19; presents symptoms associated with COVID-19; or in, the previous fourteen (14) days, has been in contact with any person who has been diagnosed with COVID-19.
- 4) Only persons with essential court business are guaranteed admission into Court Facilities, subject to the above restrictions. Friends and family members will be required to wait outside the facility. Sheriff's Deputies shall have the authority to limit the number of persons entering or remaining in a Court Facility at any given time to ensure public safety.

- 5) The Cambria County Sheriff's Department is authorized to enforce compliance with the safety provisions set forth in this Order.
- 6) Use of all courtrooms shall resume with occupancy limited to thirty-five percent (35%) capacity and social distancing shall be practiced.
- 7) Hearings shall be scheduled in a staggered manner to avoid overlapping hearings and to reduce crowding.
- 8) Court or county employees will perform enhanced and frequent cleaning and disinfecting of courtrooms and the public areas of Court Facilities.
- 9) Hearings will be conducted in a manner that employs appropriate social distancing and other mitigation measures. All persons participating in the hearing shall wear face masks unless excused by the judge for good cause.
- 10) The use of ACT shall continue to be the preferred method of conducting proceedings, within constitutional limitations, unless the presiding judge deems otherwise. All in-person proceedings shall be conducted in a manner that employs social distancing and other safety/mitigation measures consistent with CDC and DOH guidance.
- 11) Consistent with Pennsylvania Rule of Criminal Procedure 119(B), criminal defendants may consent to the conducting of any proceeding in their respective cases via ACT. Incarcerated criminal defendants are required to participate via ACT in all proceedings in their respective cases with the exception of those set forth in Rule 119(A) which includes preliminary hearings, trials, sentencing hearings, and revocation hearings regarding parole, probation, and intermediate punishment for which they will be given the opportunity to waive their personal appearance. The Court strongly encourages criminal defendants to consent to conducting all possible proceedings via ACT, and

the Court will endeavor to ensure that all such proceedings are conducted with the protection of procedural rights, including, without limitation, confrontation clause rights under the United States and Pennsylvania Constitutions.

12) The following procedures shall be used for jury selection and trials:

- a. Courtroom 1 will be used as the jury assembly room and social distancing shall be practiced.
- b. Access to the counsel area and jury well in the courtrooms is limited to: jurors; court personnel; counsel; prosecuting officers in criminal cases; the defendant(s) in criminal cases; and the parties.
- c. The balcony areas of Courtrooms 2 and 3 shall be open.
- d. No one under the age of eighteen (18) will be admitted without the approval of the presiding judge.

13) All prior Administrative Orders shall be read in conjunction with this Order and shall be enforceable collectively; however, if there is any inconsistency this Order shall control.

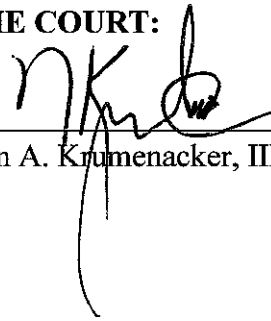
14) In exigent circumstances, filings with the Prothonotary and Clerk of Courts may be authorized by email and facsimile as provided for in the Court's March 31, 2020, Order related to the electronic filing of court papers.

15) The provisions regarding safety precautions set forth above shall continue until further Order of Court and may be amended at any time as required by circumstances.

16) Notice of this Order shall be given in the following manner:

- a. Posted on the entry doors of: the Cambria County Courthouse; all MDJ Offices; the Cambria County Domestic Relations' Office; and at the security checkpoint at the Central Park Complex;
- b. Posted on the Cambria County website; and,
- c. Transmitted to the Cambria County Bar Association for publication in the bar journal and with a request that it be transmitted via e-mail to all members.

BY THE COURT:



Norman A. Krumenacker, III, P.J.