

IN THE COURT OF COMMON PLEAS OF GAMBRIA COUNTY, PENNSYLVANIA

FILED FOR RECORD
2022 MAR 31 A 9:30

USE OF ADVANCED
COMMUNICATION TECHNOLOGY IN
CRIMINAL PROCEEDINGS

CLERK OF COURTS
GAMBRIA COUNTY PA
Crim. No. CP-11-MD- 211 -2022

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ADMINISTRATIVE ORDER

AND NOW, this 31st day of March 2022, effective Monday April 4, 2022, based upon the Court's positive experience with the use of Advanced Communication Technology in criminal matters during the COVID-19 Pandemic and in consideration of the positive response to the use of such technology by members of the Bar, **IT IS HEREBY**

ORDERED, DIRECTED, AND DECREED as follows:

- 1) 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).
- 2) ACT shall be the preferred means of conducting criminal proceedings subject to the limits of this Order, the applicable Pennsylvania Rules of Criminal Procedure, and within constitutional limitations.
- 3) In criminal proceedings ACT shall be used consistent with Pennsylvania Rules of Criminal Procedure. Specifically:
 - a. Pursuant to Pennsylvania Rule of Criminal Procedure 119(A) ACT shall be used in all criminal proceedings except: preliminary hearings; proceedings pursuant to Rule 569(A)(2)(b), relating to examination of the defendant by a

mental health expert; proceedings pursuant to Rules 595 and 597, addressing procedures for transfer from a criminal proceeding to a juvenile proceeding; trials; sentencing hearings; parole, probation, and intermediate punishment revocation hearings; and any other proceeding in which the defendant has a constitutional or statutory right to be physically present.

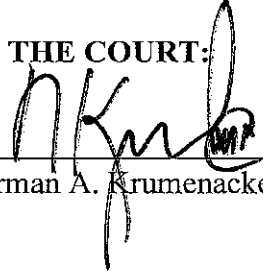
- b. Incarcerated criminal defendants are required to participate via ACT in all proceedings in their respective cases with the exception of those set forth in Pennsylvania Rules of Criminal Procedure 119(A).
- c. Pursuant to Pennsylvania Rules of Criminal Procedure 119(B), criminal defendants may consent to the conducting of any proceeding, including those listed in Rule 119(A), in their respective cases via ACT. Attorney's should obtain written consent from their client prior to the proceeding and file the consent of record with the Clerk of Courts. If written consent cannot be obtained prior to the proceeding the defendant shall place his consent on the record at the time of the hearing.
- d. The Court strongly encourages criminal defendants to consent to conducting all possible proceedings via ACT.
- e. Any proceeding in which the use of ACT is authorized by Rule 119 or in which the defendant has waived their personal appearance shall be conducted in a manner that protects the defendant's procedural rights, including, without limitation, confrontation clause rights under the United States and Pennsylvania Constitutions.

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

- a. Posted on the Court Administration page of the Cambria County website;

- b. Sent to the Cambria County District Attorney, the Cambria County Chief Public Defender, and all court appointed counsel; 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.

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