

**IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA**

*IN RE:* COURT OPERATIONS, ACCESS TO COURT FACILITIES, AND COVID-19\* MITIGATION \*  
\* Civ. Misc. No. 2022- 0176 \*  
\* Crim. No. CP-11-MD- 78 -2022 \*

**ADMINISTRATIVE ORDER**

**AND NOW**, this 14<sup>th</sup> day of January 2022, in consideration of the ongoing COVID-19 pandemic and the increased risk of community spread of SARS-COV-2 variants<sup>1</sup>, pursuant to the Court’s authority to make rules and enter orders of court as the business of the court may require, 42 Pa. C.S. §§ 323 and 325, **IT IS HEREBY ORDERED, DIRECTED, AND DECREED** as follows:

**I. COURT OPERATIONS**

- 1) The following locations constitute a Court Facility for the purpose of this Order: the Cambria County Courthouse (Courthouse); the offices of the Magisterial District Judges (MDJ) of the 47th Judicial District; all areas of the Central Park Complex (CPC) after the security checkpoint; the Cambria County Human Services Building (HSB); and the Cambria County Domestic Relations Office (DRO).

All Court Facilities shall:

Resume normal pre-pandemic operations consistent with this Order.

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CLERK OF COURTS  
CAMBRIA COUNTY, PA

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<sup>1</sup> The Centers for Disease Control and Prevention currently indicates a “high” risk of community transmission for Cambria County <https://covid.cdc.gov/covid-data-tracker/#county-view>.

- b. Be fully operational and fully staffed in person. No court personnel are permitted to work remotely without the express permission of the President Judge.
- c. Be accessible to the public subject to the mitigation procedures in this Order.

## **II. MITIGATION PROCEDURES**

- 1) 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. All persons entering Court Facilities shall follow social distancing guidelines.
  - b. 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.
  - c. Regardless of vaccination status all persons entering a Court Facility, including employees and attorneys, 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.
  - d. All court employees, regardless of vaccination status, shall wear a face mask or other facial covering over the nose and mouth at all times unless seated at their desk or when alone in a room.
  - e. The following types of masks **are not** acceptable face covering: masks with exhalation valves, vents or holes; single layer cloth masks; face covers made of mesh or lace type fabric; face shields when worn without a mask; masks that

do not fit snugly against the face allowing gaps around the edges of the mask; and masks made of thin fabric that does not block light. See,

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>; <https://www.cdc.gov/coronavirus/2019-ncov/your-health/effective-masks.html>.

- f. All person in a Court Facility shall wear face masks or coverings at all times in all public spaces, including but not limited to: courtrooms; corridors; stairways; elevators; restrooms; entranceways; and the public areas of offices.
- g. 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.
- h. On or before January 27, 2022, all court employees must notify the Human Resources Department of their vaccination status. All vaccinated court employees must file a copy of their vaccine card with Human Resources.

- 2) Cambria County Sheriff's Deputies and court personnel have the authority to limit the number of persons entering or remaining in a Court Facility at any given time to ensure public safety.
- 3) The Cambria County Sheriff's Department is authorized to enforce compliance with the safety provisions set forth in this Order.
- 4) Hearings shall be scheduled in a staggered manner to avoid overlapping hearings and to reduce crowding.

- 5) Court or county employees will perform enhanced and frequent cleaning and disinfecting of courtrooms and the public areas of Court Facilities.
- 6) Hearings will be conducted in a manner that employs appropriate social distancing and other mitigation measures.
- 7) All persons present in a court room or participating in a hearing, regardless of vaccination status, shall wear a face mask unless excused by the judge for good cause.

### **III. ADVANCED COMMUNICATION TECHNOLOGY**

- 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) The use of ACT may be used to conduct proceedings subject to the limits of this Order, the applicable Pennsylvania procedural rules, and within constitutional limitations. All in-person proceedings shall be conducted in a manner that employs social distancing and other safety/mitigation measures consistent with this Order.
- 3) ACT may be used in civil proceedings **only** when a party has requested the proceeding be conducted remotely. Civil matters that have been scheduled prior to the date of this order to be conducted by ACT may be conducted as scheduled.
- 4) In criminal proceedings ACT shall be used consistent with Pennsylvania Rules of Criminal Procedure.
  - 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. 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.

- 5) In juvenile delinquency proceedings ACT shall be used consistent with Pennsylvania Rules of Juvenile Court Procedure 128 and 129. Counsel in juvenile delinquency matters are advised to familiarize themselves with Pennsylvania Rules of Juvenile Court Procedure 128, 129, 140, 141, 242, 394, 406, 512, and 610.
- 6) In juvenile dependency proceedings ACT shall be used consistent with Pennsylvania Rules of Juvenile Court Procedure 1128 and 1129. Counsel in juvenile dependency matters are advised to familiarize themselves with Pennsylvania Rules of Juvenile Court Procedure 1128, 1129, 1140, 1242, 1406, 1512, and 1610.

#### **IV. RIGHT TO SPEEDY TRIAL**

- 1) Any postponement caused by COVID-19 exposure or infection shall be considered a court postponement and shall constitute excludable time for purposes of the application of Rule 600 as attributable to the judiciary subject to any applicable constitutional restrictions. Pa. R. Crim P. 600 cmt. (“Delay in the time for trial that is attributable to the judiciary may be excluded from the computation of time.”). See also, Commonwealth v. Mills, 640 Pa. 118, 122, 162 A.3d 323, 325 (2017) (citing Commonwealth v. Bradford, 616 Pa. 122, 141, 46 A.3d 693, 705 (2012)) (under Rule 600 judicial delay may serve as a basis for extending the period of time within which the Commonwealth may commence trial if the court, because of scheduling difficulties or the like, is unavailable); Commonwealth v. Crowley, 502 Pa. 393, 466 A.2d 1009 (1983); Commonwealth v. Bethea, 185 A.3d 364 (Pa. Super. 2018).

#### **V. JURY SELECTION AND TRIALS**

- 1) 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 in civil cases.
- 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.

## **VI. GENERAL DIRECTIVES**

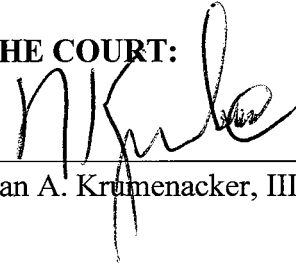
- 1) All prior Administrative Orders at docket numbers Civ. Misc. No. 2020-1438 and Crim. No. CP-11-MD-0063-2020 shall be read in conjunction with this Order and shall be enforceable collectively; however, if there is any inconsistency this Order shall control.
- 2) The provisions of this Order shall continue until December 31, 2022, or further Order of Court and may be amended at any time as required by circumstances.

## **VII. NOTICE**

- 1) Notice of this Order shall be given in the following manner:
  - a. Posted on or at the entry doors of: the Cambria County Courthouse; all the Magisterial District Judges' Offices; the Cambria County Domestic Relations' Office; the Cambria County Human Services Building 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:**

A handwritten signature in black ink, appearing to read "N. Krumenacker, III", written over a horizontal line.

Norman A. Krumenacker, III, P.J.