

**MONTGOMERY COUNTY COURT OF COMMON PLEAS
CRIMINAL DIVISION**

PROTOCOL FOR SENTENCINGS

1. OVERVIEW

- a. The purpose of this program is to provide for sentencing proceedings for individuals who previously entered guilty pleas or have been found guilty after trial. It will also be available to dispose of matters where open stipulations have been entered for violations of parole and/or probation.

2. FACILITIES

- a. Upon re-opening the Courthouse June 1, 2020, one or more courtrooms will be available daily for the Court to conduct sentencing hearings.
- b. The courtroom will be staffed with one court clerk and one court reporter, along with the Judge. The Court Clerk and the Court reporter may participate in the Courtroom or remotely, in the discretion of the Court.

3. SCHEDULING

- a. Judicial Assistants will issue Scheduling Orders.
- b. The Court will email Scheduling Orders to all counsel of record.
- c. Counsel are responsible for notifying their clients and any witnesses.
- d. Sentencing Hearings will be scheduled at intervals of one hour each, with no more than six scheduled during any one day.
- e. The following Judges will preside over sentencings starting June 1, 2020:
 - i. Week of June 1, 2020 Judge O'Neill
 - ii. Week of June 8, 2020 Judge Branca
 - iii. Week of June 15, 2020 Judge Carpenter
 - iv. Further scheduling will be determined at a later date. Additional courtrooms may be made available based on conditions existing at that time.

4. ATTENDANCE

- a. For defendants who are presently incarcerated, absent objection, the Defendant will appear by video.
- b. Upon receipt of the Scheduling Order, Counsel for the Defendant shall confer with the Defendant to determine if there is an objection to conducting the proceedings by video.
- c. If a Defendant objects to proceeding by video, Counsel shall immediately notify the chambers of the sentencing judge via email. These sentencings shall be

continued to a later date when the Defendant can appear in person. There shall be no transportation of Defendants for sentencing proceedings until further order of the Court.

- d. The Criminal Division General Protocol shall apply. See the Court's website to obtain a copy thereof.
- e. Defendants who are not incarcerated shall appear in the courtroom.
- f. Counsel for the Commonwealth and the Defendant shall appear in the courtroom.
- g. The Office of the District Attorney and the Office of the Public Defender are directed to limit the number of attorneys from their office from coming to the Courthouse by having attorneys handle multiple sentencings on each day, even if not assigned to the particular cases. For cases involving violations of probation and/or parole, the supervising officer shall be available to appear by video.
- h. Counsel will be directed to minimize live witnesses in courtroom, by encouraging submission of written statements or prerecorded video statements of any witness not subject to cross examination.
- i. The Assistant District Attorney shall notify the Court and counsel, by email, of the names and email addresses of any witnesses, including the Adult probation Officer, who will appear by video. The Court will send them the Zoom invitation.
- j. As set forth in the Criminal Division General Protocol, unless specifically permitted by the presiding judge to be in the courtroom, all witnesses will appear by Zoom video format.

5. PREPARATION:

- a. Between now and commencement of court proceedings, Judges will:
 - i. Ensure all PSIs and PPIs are completed and provided to court and counsel;
 - ii. Schedule phone or video conferences with counsel to ascertain:
 1. Counsel's availability for sentencing;
 2. If an agreement as to the sentence has been reached and is acceptable to the Judge. If so, direct counsel to email the terms of the agreement to the Judge's court clerk so that sentencing sheets can be prepared in advance;
 3. If no agreement has been reached, ascertain whether witnesses will be called to determine the time needed for the proceeding

6. **INITIAL REPORTING:** Following sentencing of a defendant who is not incarcerated, the defendant will be instructed to contact the Adult Probation Office to arrange for an intake interview.

7. ADDITIONAL SAFETY PRECAUTIONS:

- a. All counsel, parties, witnesses and other participants shall comply with the 38th Judicial District – Montgomery County Safety Protocol. This includes the obligation of all people coming into the building to be subject to health screening and temperature checks. All people in the courthouse shall wear facemasks. Attendance in the courtrooms will be limited and social distancing will be strictly enforced.
- b. This protocol has been crafted in a way to minimize the transfer of paper documents.
- c. Sentencing Hearing will be scheduled in the numbered courtrooms on the Plaza Level of the Montgomery County Courthouse, immediately adjacent to the sole operating entrance to the courthouse. This will minimize the distance and time that anyone must remain in the building.
- d. All surfaces inside of the courtroom will be cleaned and disinfected between each proceeding.