

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
ADMINISTRATIVE GOVERNING BOARD
OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

No. 13 of 2020

In re: Emergency Motions To Lift Detainers When Defendant is in Custody

ORDER

AND NOW, this 20 day March, 2020, consistent with the Emergency Judicial Order issued on March 17th, 2020 (No. 10 of 2020), and the Supreme Court Orders of March 16th and March 18th, 2020 (Nos. 531 and 532 Judicial Administration Docket), and Criminal Motions having been suspended except for those specifically deemed by Court Order emergencies, Motions to Lift Detainers are deemed to be emergencies provided however, said Motions shall contain sufficient information to allow for a “paper review only.” Further, the Supervising Judge of the Criminal Section of the Trial Division Honorable Leon Tucker, or his designee, is authorized to review and decide Motions on Detainers lodged by a Common Pleas Court Judge regardless of the judge who lodged the Detainer; Judge Patrick Dugan, President Judge of the Municipal Court, or his designee, is authorized to review and decide Motions on Detainers lodged by a Municipal Court Judge regardless of the judge who lodged the Detainer.

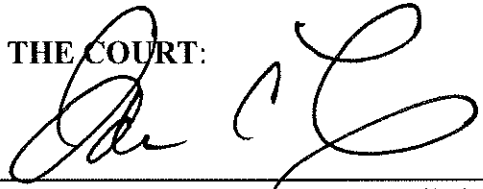
Motions for early termination of Probation or Parole previously filed or filed during this Emergency as declared by the Supreme Court, whether assigned to a judge are deemed NOT to be an emergency. **IT IS HEREBY ORDERED and DECREED** that Emergency Motions may be filed when a Defendant is being held as a result of the detainer as follows:

- (1) The Emergency Motion **must** be filed through the Court’s Criminal Electronic Filing System at <https://fjdefile.phila.gov/>.
- (2) The Motion shall set forth with specificity the factual and legal reasons why the detainer should be lifted and the Defendant released including but not limited to:
 - (i) The underlying conviction with docket numbers and charges, that resulted in the detainer;
 - (ii) The new charges or alleged violations of supervision with specificity;
 - (iii) Any bail imposed on a new case/charge should be addressed under a separate motion using the respective docket number; and
 - (iv) The assurance that Defendant will appear for Gagnon II and trial.
- (3) Failure to provide sufficient information may result in a denial. Agreements by and between the Commonwealth and Defense Counsel in and of itself is not sufficient without the additional information set forth herein.

- (4) The Motion must specify whether there are any other reasons why the Defendant is being held, in addition to the detainer (i.e. detainers/holds from other jurisdictions).
- (5) The Motion must be served on the Commonwealth and/or the position of the Commonwealth regarding the request to lift the detainer and release of the Defendant may be set forth in the Motion.
- (6) The Commonwealth may expeditiously file an Answer setting forth whether it is in agreement or opposes the requested relief.
- (7) The Motion and any Answer will be assigned to Supervising Judge of the Criminal Section of the Trial Division Hon. Leon Tucker, or his designee, or to Judge Patrick Dugan, President Judge of the Municipal Court, or his designee, as applicable, and will be decided based on the pleadings filed by the parties.

IT IS FURTHER ORDERED AND DECREED that in light of the Judicial Emergency declared by the First Judicial District, any other Motions filed as “Emergency” Motions may be scheduled in due course if deemed not to raise emergent issues.

BY THE COURT:



**Honorable Idee C. Fox, President Judge
Chair, Administrative Governing Board
First Judicial District of Pennsylvania
President Judge, Court of Common Pleas,
Philadelphia County**