



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS**

Monday, June 7, 2021

**TRIAL DIVISION – CRIMINAL
NOTICE TO THE BAR**

CUSTODY ACCELERATED RESOLUTION PROGRAM (CARP) of 2021

General Statement

The Custody Accelerated Resolution Program (“CARP”) is a pilot program that will run from July 6, 2021, to December 31, 2021. The program is designed to accelerate the resolution of custody cases in the Major Felony Program (“Major Program”). CARP may be extended based on the needs of the Criminal Trial Division. Please see the attached CARP organization chart, Frequently Asked Questions guide and sample scheduling orders.

Status Conference Schedule

All custody cases currently listed in a Major Program room will be relisted for status in courtroom 905 between June 14, 2021, and July 2, 2021, at 1:00 pm to determine whether the matter is a jury trial or non-jury trial. Please see the attached schedule of status conferences by courtroom. Parties are strongly encouraged to work toward a non-trial resolution and cases may be conferenced with the calendar room judge for potential open pleas.

Honorable Lisette Shirdan-Harris
Administrative Judge
Trial Division

Honorable Lucretia C. Clemons
Supervising Judge
Trial Division – Criminal

**First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia
Trial Division - Criminal**

**CUSTODY ACCELERATED RESOLUTION PROGRAM (CARP) of 2021
STATUS CONFERENCE SCHEDULE**

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Monday, June 14, 2021 – 702 (J. Minehart)

Tuesday, June 15, 2021 – 701 (J. V. Johnson)

Wednesday, June 16, 2021 – 708 (J. Campbell)

Thursday, June 17, 2021 – 802 pt. 1 (J. Lane)

Monday, June 21, 2021 – 802 pt. 2 (J. Lane)

Tuesday, June 22, 2021- 908 & 1008 & 1108 (J. Roman, J. DiClaudio, J. S. Johnson)

Wednesday, June 23, 2021 – 1002 pt. 1 (J. Coyle)

Thursday, June 24, 2021 – 1002 pt. 2 (J. Coyle)

Friday, June 25, 2021 – 1102 (J. Brinkley)

Monday, June 28, 2021 – 902 (J. Woelpper)

Tuesday, June 29, 2021 – 801 (J. Perez)

Wednesday, June 30, 2021 – 1105 (J. Ehrlich)

Thursday, July 1, 2021 – 808 (J. Scott)

Friday, July 2, 2021 – 1008 (J. Covington)

First Judicial District of Pennsylvania Court of Common Pleas of Philadelphia Trial Division – Criminal

CUSTODY ACCELERATED RESOLUTION PROGRAM (CARP) of 2021 FREQUENTLY ASKED QUESTIONS



WHAT IS THE CUSTODY ACCELERATED RESOLUTION PROGRAM?

The Custody Accelerated Resolution Program (“CARP”) is a pilot program that will run from July 6, 2021, to December 31, 2021. The program is designed to accelerate the resolution of custody cases in the Major Felony Program (“Major Program”). CARP may be extended based on the needs of the Criminal Trial Division.

WHY WAS IT CREATED?

The Pandemic Working Group of the Criminal Trial Division was formed in April 2021 to make recommendations for the creation and/or revision of pandemic related protocols. One of the recommendations of the Pandemic Working Group was to create a streamlined process for the resolution of custody cases in the Major Program.

HOW DOES IT WORK?

In an effort to expedite cases, starting on July 6, 2021, the judges assigned to the Major Felony Program will be reassigned to jury and non-jury rooms. Judge Zachary Shaffer will be assigned as Major Program Calendar Room judge in courtroom 905. All custody cases currently listed in a Major Program room will be relisted for status in courtroom 905 between June 14, 2021, and July 2, 2021, at 1:00 pm to determine whether the matter is a jury trial or non-jury trial. Please see the attached schedule of status conferences by courtroom. Parties are strongly encouraged to work toward a non-trial resolution and cases may be conferenced with the calendar room judge for potential open pleas.

WILL MAJOR PROGRAM CASES STILL PROCEED FROM ARRAIGNMENT TO A SMART ROOM?

Major Program cases, excluding FVSA (Family Violence and Sexual Assault) cases and NFS (Non-fatal Shooting) cases, will be listed for a scheduling conference in the Major Program calendar room directly from arraignment. The rerouting of these cases began on June 1, 2021. FVSA cases will continue to be directed to SMART room 1005. NFS cases will continue to proceed directly from arraignment to the NFS calendar room.

MY NON-JURY TRIAL ALREADY HAS A DATE CERTAIN. WILL IT BE MOVED?

Non-jury trials already scheduled in front of Major Program non-jury judges will keep their scheduled trial date before the same non-jury judge.

MY JURY TRIAL ALREADY HAS A DATE CERTAIN. WILL IT BE MOVED?

We will not reschedule custody jury trial dates without consulting counsel. Custody jury trials are guaranteed a date but not a specific presiding judge.

DO I NEED TO APPEAR IN PERSON FOR THE STATUS LISTING?

Zoom is encouraged for status listings in the major calendar room. Guilty plea hearings over Zoom are encouraged when amenable to all parties. The courts can connect with every local jail, multiple county correctional facilities and state prisons.

WILL THE DEFENDANT BE BROUGHT DOWN FOR A STATUS LISTING?

Defendants will not be brought down to the status listing unless advance notice is given.

WHOM DO I CONTACT TO HAVE THE DEFENDANT BROUGHT DOWN?

Please call courtroom 905 at (215) 683-7436 at least four (4) days in advance.

WILL I BE ABLE TO TALK TO MY CLIENT BEFORE THE STATUS CONFERENCE?

Please visit your clients to discuss CARP prior to the status conference in courtroom 905. You may also contact the prison in advance to schedule a video conference with your client. Courtroom Operations is also available to schedule video conferences with the prisons on Wednesdays.

WHAT IS THE PROCESS FOR A NON-JURY TRIAL?

If a case cannot be resolved and it is a non-jury trial, then it will be spun for trial if discovery is complete and both sides are ready. This date will be marked “must be tried both” with no continuances at the bar of the court. Please see the attached sample scheduling order for non-jury trials.

WHAT IS THE PROCESS FOR A JURY TRIAL?

If a case cannot be resolved and it is a jury trial, then it will be given a Wednesday trial readiness conference and a Monday trial date consistent with the previously scheduled trial date. If all parties are ready at the Wednesday conference, then jury selection will begin the next week. If there are motions, they will be spun to a jury judge to be heard before jury selection. Parties should be prepared to pick a jury any day of the week that the case is listed for jury trial. Please see the attached sample scheduling order for jury trials.

HOW WILL I KNOW WHEN MY CASE IS SCHEDULED?

You will receive notice from the Court and the Major Calendar Room judge’s staff will email and call you.

HOW MANY JURIES ARE BEING HELD EACH WEEK?

We currently have the capacity to conduct four (4) jury trials per week in the building. We can only select one (1) jury per day due to CDC guidance for social distancing. If the CDC guidance is updated, the number of jury trials per week may be adjusted based on the updated guidance.

HOW MANY JURIES WILL BE SCHEDULED WITH THIS NEW PROGRAM?

At least twelve (12) potential juries per week will be scheduled for a trial readiness conference on a Wednesday. The jury program, so far, has shown that many of these cases are resolved before trial. The remaining cases will be heard the following week.

WHICH JURIES GET PRIORITY?

Homicide cases have first priority. The Major Program jury judges will then be assigned ready cases with priority generally given to the oldest custody cases. If a case has special circumstances, such as an ill witness, child complainant or witness about to leave for military duty, the case may be prioritized. Counsel must notify the Court at the status conference if the case has special circumstances.

HOW WILL I KNOW MY CLIENT HAS BEEN SERVED?

This program is generally designed to resolve custody cases. Defendants in custody will be transported to the Stout Center for Criminal Justice.

ARE CO-DEFENDANT CASES BEING TRIED?

Co-defendant non-jury custody cases can be heard in room 304 on Friday. There are currently no plans to conduct co-defendant juries due to the CDC guidelines for social distancing and safety concerns.

WHEN WILL HOUSE ARREST CASES BE TRIED?

House arrest cases will be reviewed and scheduled for status sometime in the near future. House arrest pleas can be done over Zoom or in person with the Court's permission.

WHEN WILL BAIL CASES BE TRIED?

Custody cases remain our foremost priority. As a result, bail cases in the Major Program will be continued until 2022 with very limited exceptions. As such, if counsel believes that a bail jury trial or non-jury trial case has special circumstances, an application may be made to the presiding judge to have the matter scheduled for trial in 2021. All such applications must be approved by the Supervising Judge of the Criminal Trial Division, Judge Lucretia Clemons. We will keep you updated on our plans related to bail matters.

communication technology is not being used for jury trials. Interpreters for the defendant must be requested at the initial calendar room listing. The Commonwealth is responsible for its own witness interpreters.

Trial Observation. Trial observation is available via a live video feed that will show the proceedings in the jury judge's regular courtroom. Individuals wishing to observe must petition the court to allow access to the building pursuant to the First Judicial District's policy on Public Access to Judicial Proceedings During the Covid-19 Pandemic.

Continuances. Requests for trial continuances will not be entertained unless the request is made in writing no less than two (2) weeks prior to the trial date. Continuances at the bar of the court before jury selection will not be granted absent extraordinary circumstances.

Motions to Withdraw. Motions to withdraw as counsel will not be entertained absent an extraordinary circumstance.

Attachment. Counsel is hereby attached for the week of trial and advised to arrive promptly at **9:00 a.m.** for all of the above noted hearing and trial dates.

Jury Selection Scheduling. Counsel shall be prepared to begin their jury any day of the week following the jury trial readiness conference.

Trial Matters

Trial Statement. Counsel is expected to confer prior to the date of jury selection and to provide statements with the names and addresses for all witnesses who will testify at trial prior to jury selection. Counsel is expected to include, in its written statement, a list of all pre-numbered exhibits to be referenced at trial. Any objection to any witness or exhibit is to be raised by way of motion in *limine*. Failure to raise an objection pre-trial may be considered a waiver. The Commonwealth is expected to file a trial memorandum that includes a brief factual recitation of the allegations to be read to the jurors in *voir dire*. Defense counsel may file an objection to the factual allegation.

Exhibits. All exhibits shall be marked and exchanged with opposing counsel prior to trial. Counsel should have sufficient copies so that the Court, all counsel, the witness, the court reporter, and the clerk, will have a copy. A complete set of exhibits should be given to the Court prior to trial. Where a party offers evidence of a demonstrative exhibit for which copies are not available, such as a diagram created on the dry-erase board, counsel must provide a photograph of the exhibit for the Court by the conclusion of trial. Any exhibit not exchanged and identified prior to trial may be excluded. All objections to any exhibit must be made before trial, in writing or said objection may be deemed waived.

Voir Dire. The Court will conduct the examination of prospective jurors. The defense and the prosecution may submit a written list of proposed questions to the judge hearing the jury.

Requests for Charge to the Jury. Requests for charge should be submitted at counsel's earliest opportunity and no later than one day prior to closing arguments. Counsel are encouraged to confer with each other prior to submitting requests to the Court and shall identify for the Court which requests are in dispute.

Ready Not Reached. Juries that are unable to be resolved during their week will be given another jury trial readiness date in courtroom 905.

BY THE COURT,

Zachary C. Shaffer, J.

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Zachary C. Shaffer, J.

2021 Custody Accelerated Resolution Program

