

## **BAIL DENIED/BAIL NOT SET PROCEDURE**

The below procedure is to be followed when a criminal case is **DENIED BAIL OR BAIL IS NOT SET** at the Magisterial District Court.

**Defendants charged with an offense under 18 Pa.C.S. § 2502 (murder) and § 2503 (voluntary manslaughter) shall follow this procedure:**

Within 24 hours of the preliminary arraignment, the Magisterial District Judge, or their designee, must email the District Court Administration Office. The email notification shall be sent to the following:

Jennifer Mulrone, Assistant Court Administrator – Criminal  
Donna Speece, Criminal Clerk  
Michelle Morales, Criminal Clerk  
Annie Flaud, Deputy Court Administrator  
Michelle Miller, Assistant Court Administrator – Bail

The Magisterial District Court **MUST** provide District Court Administration with the following information:

Name of the Defendant  
Criminal Charges  
Docket Number of the Magisterial District Court  
OTN  
Name of the Assistant District Attorney, and co-counsel if applicable  
Name of Defense Counsel, and co-counsel if applicable

Upon receipt of the email notification, the Criminal Unit of Court Administration shall schedule a detention hearing within 72 (business) hours of the preliminary arraignment during a Rule 150 hearing block. At this hearing the Common Pleas Detention Hearing order shall be completed and filed with the Clerk of Courts office.

Once the case is assigned to a Common Pleas Judge, the assigned judge's chambers and counsel will be notified to arrange a time and date for a bail review hearing (within 30 days after the formal arraignment date). Chambers must notify Court Administration to add to the court schedule. During the hearing a Common Pleas Bail Review Hearing order shall be completed and filed with the Clerk of Courts office. If defense counsel determines a bail review hearing is not needed, a Defendant's Waiver of Bail Review Hearing form must be signed by the defendant and defense counsel and filed in the Clerk of Court's Office. Service shall then be provided to Court Administration and all other applicable parties.

**Defendants charged with all other offenses for which bail has been denied shall follow this procedure:**

The Magisterial District Judge, or their designee, shall contact the District Court Administration Office by email within five (5) days of bail being denied. The email notification shall be sent to the following:

Jennifer Mulrone, Assistant Court Administrator – Criminal  
Annie Flaud, Deputy Court Administrator  
Michelle Miller, Assistant Court Administrator – Bail

The Magisterial District Court **MUST** provide District Court Administration with the following information:

Name of the Defendant  
Criminal Charges  
Docket Number of the Magisterial District Court  
OTN  
Name of the Assistant District Attorney and co-counsel if applicable  
Name of Defense Counsel, and co-counsel if applicable

Upon receipt of the email notification of a case in which bail is denied, Court Administration shall schedule a Bail Review Hearing within 30 days of the scheduled Formal Arraignment Date. The Bail Review Hearing shall be scheduled with the

assigned Common Pleas Judge during a Rule 150 Hearing block. During the hearing a Common Pleas Bail Review Hearing order shall be completed and filed with the Clerk of Courts office. If defense counsel determines a bail review hearing is not needed, a Defendant's Waiver of Bail Review Hearing form must be signed by the defendant and defense counsel and filed in the Clerk of Court's Office. Service shall then be provided to Court Administration and all other applicable parties.

Updated 3/5/2024