

INSTRUCTIONS FOR REQUESTING A CONTINUANCE FOR A SUMMARY HEARING

Pursuant to Pennsylvania Rule of Criminal Procedure 106(C), a motion for a continuance on behalf of a defendant **must** be made at least 48 hours prior to the time scheduled for the Summary Appeal Hearing. A request by a defendant made within 48 hours of the time set for the hearing will not be considered.

A continuance **will not** be granted as a matter of course just because a defendant requested a continuance. The hearing is not continued until a judge signs an Order granting the continuance, and that Order is filed with the Clerk of Courts and served upon the Office of the Erie County District Attorney and Court Administration. Listed below are the instructions on how to request a continuance in summary proceedings before the Erie County Court of Common Pleas.

Please review all of the instructions before beginning.

STEP 1 - INSTRUCTIONS REGARDING THE CAPTION

On the top of pages 1 [Motion], 2 [Commonwealth's Position], 3 [Order], and 4 [Certificate of Service] print clearly the name of the Defendant and the docket number(s) in the Caption, which is located at the top of all four pages.

STEP 2 - INSTRUCTIONS FOR THE MOTION

On page 1, under the Title – Motion To Continue Summary Appeal Hearing, print clearly today's date and the name of the Defendant on the lines provided.

In paragraph 1 of page 1, print clearly the date for which the Summary Appeal Hearing is currently scheduled.

In paragraph 2 of page 1, print clearly a concise statement of the reason why the continuance is requested.

The Defendant must sign his/her name on the signature line on the bottom of page 1. If the Defendant is a minor or mentally incompetent, then the parent and/or guardian must also sign on the signature line. The Defendant, Parent, or Guardian must print his/her name, address, and telephone number in the spaces below the signature line, so that the Court can contact said person after reviewing the Motion.

STEP 3 - OBTAINING THE COMMONWEALTH'S POSITION

After page 1 is completed, the Motion must be taken to the Office of the Erie County District Attorney located in Room 506 of the Erie County Courthouse, in order for the Commonwealth to consent or object to the continuance prior to submitting the Motion to Court.

DO NOT FILL OUT ANY OF THE INFORMATION ON PAGE 2 OTHER THAN THE CAPTION AS PREVIOUSLY INSTRUCTED.

DO NOT LEAVE YOUR PAPERWORK WITH THE DISTRICT ATTORNEY'S OFFICE.

Tell the receptionist at the District Attorney's Office that you need to speak with an Assistant District Attorney about a continuance in a summary appeal. An Assistant District Attorney will meet with you, and he/she will fill out page 2, and then give your paperwork back to you.

STEP 4 - SUBMITTING THE MOTION BEFORE THE COURT

After the Commonwealth states its position on page 2, you must take your Motion to the chambers of the assigned judge. All of the judges' chambers are located on the second floor of the Erie County Courthouse.

Leave your Motion, Statement of Commonwealth's Position, and Proposed Order with the staff of the assigned judge. **DO NOT FILL OUT ANY OF THE INFORMATION ON PAGE 3 OTHER THAN THE CAPTION AS PREVIOUSLY INSTRUCTED.**

The judge will review your Motion and either grant or deny your request. The judge's staff will then contact you, via your telephone number as indicated on your Motion, and you will have to pick-up your Motion from the judge's chambers and file it with the Clerk of Courts.

STEP 5 - FILING AND SERVING THE MOTION

On page 4 – Certificate of Service, print clearly today’s date on the lines provided.

Sign your name on the signature line on the bottom of page 4, and print clearly your name, address, and telephone number.

You must make three (3) copies of your paperwork before filing it with Clerk of Courts.

After you make three (3) copies of the Motion, Commonwealth’s Position, Order, and Certificate of Service, you must take the Original paperwork and the three copies to the Clerk of Courts located in Room 103 of the Erie County Courthouse.

The Clerk of Courts will time stamp the Original paperwork and the copies. The Clerk of Courts will keep the Original and give you back your three time-stamped copies.

You **must** deliver one time-stamped copy to Court Administration located in Room 204 of the Erie County Courthouse, **and** one copy to the District Attorney’s Office. The third copy is for your records.

Court Administration will then notify the Court as well as the parties of the new date and time of the Summary Appeal Hearing.

COMMONWEALTH OF PENNSYLVANIA

v

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION

:
:
:

: No. SA _____ of 20 _____

MOTION TO CONTINUE SUMMARY APPEAL HEARING

AND NOW, this ____ day of _____, 20____, comes the Defendant,

_____, and respectfully submits the following:

1. A Summary Appeal Hearing in the above-stated matter is currently scheduled for:

_____.

2. Defendant respectfully requests a continuance in this matter for the following reason:

_____.

Respectfully Submitted,

X _____
(Signature of Defendant)

(Print Name of Defendant)

(Print Current Address of Defendant)

(_____) -
(Telephone Number of Where Defendant Can Be Reached)

COMMONWEALTH OF PENNSYLVANIA

v

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION

:
:
:

_____ : No. SA _____ of 20 _____

The Commonwealth, by and through _____,

CONSENTS / OBJECTS to the granting of this request for the following reason:

_____.

X _____
(Signature of Assistant District Attorney)

(Printed Name of Assistant District Attorney)

COMMONWEALTH OF PENNSYLVANIA

v

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION

:
:
:

_____ : No. SA _____ of 20_____

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 20_____, it is hereby
ORDERED, ADJUDGED and DECREED that the Defendant’s Motion To Continue Summary Appeal
Hearing is hereby _____

_____.

BY THE COURT:

J.

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
v : OF ERIE COUNTY, PENNSYLVANIA
: CRIMINAL DIVISION
:
:
: No. SA _____ of 20 _____

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 20_____, under penalty of law pursuant to 18 Pa.C.S. § 4904 (Unsworn Falsification to Authorities), I have caused to be delivered a true and correct copy of the within Motion and Order to:

Office of the Erie County District Attorney
Erie County Courthouse
140 West Sixth Street, Room 506
Erie, PA 16501

Court Administration
Erie County Courthouse
140 West Sixth Street, Room 204
Erie, PA 16501

By: _____
(Signature of Defendant)

(Print Name of Defendant)

(Print Current Address of Defendant)

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(Telephone Number of Where Defendant Can Be Reached)