

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS
TRIAL DIVISION**

Administrative Order

No. 02 of 2016

In re: Adoption of Philadelphia Criminal Rule 588. Motion for Return of Property. Post-Deprivation Hearing.

ORDER

AND NOW, this 11th day of August, 2016, the Supreme Court Criminal Procedural Rules Committee having reviewed the attached *Philadelphia Criminal Rule 588. Motion for Return of Property. Post Deprivation Hearing* as required by Pa.R.J.A. 103, and having determined that the said local rule is not inconsistent with the Statewide Rules of Criminal Procedures, it is hereby ORDERED and DECREED that *Philadelphia Criminal Rule 588. Motion for Return of Property. Post Deprivation Hearing* is hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media*, *Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ Jacqueline F. Allen

HONORABLE JACQUELINE F. ALLEN
Administrative Judge, Trial Division
Court of Common Pleas, Philadelphia County

PROPOSED NEW PHILADELPHIA CRIMINAL RULE

Rule 588. Motion for Return of Property. Post-Deprivation Hearing.

- (A) Any person aggrieved by a search and seizure may move for the return of the property seized by filing a motion with the Trial Division, Criminal regardless of whether criminal charges have been filed against the owner of the property or the person in possession of the property. The relief requested may be interim (i.e. return of the property pending disposition of the criminal case or the forfeiture petition), or permanent in nature.**

- (B) In the event criminal charges have been filed against the owner of the property or the person in possession of the property, the motion shall be filed utilizing the CPCMS number assigned to the underlying case. If criminal charges have not been filed against the owner or person in possession of the property, a Miscellaneous Docket number shall be assigned through CPCMS.**

- (C) The filer shall serve the Commonwealth through the District Attorney's Office, and shall file an Affidavit of Service.**

- (D) Upon receipt of the Affidavit of Service, the Office of Judicial Records shall schedule a prompt hearing on the motion and shall notify the Commonwealth and the filer.**

- (E) The assigned judge may require the filing of an Answer.**

- (F) In the event a forfeiture petition was filed by the Commonwealth before the filing of a motion for the return of property, the motion(s) shall be assigned to the same judge for disposition, as practicable.**