

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

For Official Use Only - Bar Code

Motion to Vacate or Reduce Bail Judgment

(Attach additional pages as may be necessary)

<p>Motion Must Be EFiled at <i>www.courts.phila.gov</i> or filed with the Clerk of Courts Room 310, Criminal Justice Center, 1301 Filbert Street Philadelphia, PA 19107</p>		<p>CRIMINAL DOCKET NUMBER</p> <p>___ - 51 - CR - _____ - _____</p>	
<p>NAME OF PETITIONER <i>(Person Filing the Motion)</i></p>		<p>DATE OF BIRTH <i>(of Criminal Defendant)</i></p>	
<p>CRIMINAL CASE CAPTION</p>			
<p>PETITIONER'S CURRENT ADDRESS <i>(To Be Entered By the Petitioner)</i></p>			<p>TELEPHONE NO.</p>
<p>INFORMATION REGARDING FORFEITED BAIL</p>			
<p>BAIL JUDGMENT NUMBER</p>	<p>DATE JUDGMENT ENTERED</p>	<p>JUDGMENT AMOUNT</p>	<p>FTA DATE</p>
<p>BENCH WARRANT HEARING DATES</p>		<p>TYPE OF BAIL</p>	
<p>BASIS FOR REQUESTING VACATION OR REDUCTION OF JUDGMENT</p>			
<p>MUST BE COMPLETED BY THE PETITIONER</p>			
<p><input type="checkbox"/> The Petitioner requests that the Judgment be vacated because the defendant was incarcerated at _____ on the date the Defendant failed to appear for a Court hearing. <i>Petitioner must attach Prison records.</i></p>			
<p><input type="checkbox"/> The Petitioner requests that the Judgment be vacated because the defendant was hospitalized at _____ on the date the Defendant failed to appear for a Court hearing. <i>Petitioner must attach Hospital records.</i></p>			
<p><input type="checkbox"/> The Petitioner requests a percentage reduction of the bail assessment and/or bail judgment, calculated pursuant to Philadelphia Criminal Rule 510(D)(3), considering the amount of time between the date the defendant failed to appear for a hearing and the date the defendant returned to court, as follows: 0 to 60 days: 90%; 61 to 90 days: 70%; 91 to 120 days: 50%; 121 to 180 days: 30%; and over 180 days: 0%.</p>			
<p><input type="checkbox"/> The Petitioner requests the Court to consider the following explanation to justify the defendant's failure to appear, and to consider the mitigating factors noted below in deciding whether justice requires the full enforcement of the forfeiture order (<i>attach any documentation you wish the Court to consider and be as specific as possible</i>):</p>			
<p>VERIFICATION</p>			
<p>I, being duly sworn according to law, depose and say that I am the Petitioner/Surety in the within action and that the facts set forth in the foregoing <i>Motion to Vacate or Reduce Bail Judgment</i> are true and correct to the best of my knowledge, information and belief.</p> <p>I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.</p>			
<p>_____</p> <p style="text-align: center;"><i>Date</i></p>	<p>_____</p> <p style="text-align: center;"><i>Name of Petitioner</i></p>	<p>_____</p> <p style="text-align: center;"><i>Signature of Petitioner</i></p>	

Motion to Vacate or Reduce Bail Judgment

PREPARING AND FILING THE MOTION

1. The ***Motion to Vacate or Reduce Bail Judgment*** (“*Motion*”) is available on the website of the First Judicial District of Pennsylvania at: <http://www.courts.phila.gov/mtvr>; the Motions Counter, Second Floor, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA 19107; and from the Clerk of Courts, Room 310, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA. 19107.

2. It is the responsibility of the person against whom the bail judgment has been entered, the “Surety” or “Petitioner,” to prepare and file the *Motion*.

3. The Petitioner must provide information in support of the *Motion* to vacate or reduce the forfeiture and bail judgment. The Petitioner must add case specific information explaining or justifying the failure to appear for the scheduled hearing, and mitigating factors and documentation the defendant seeks to have the court consider. If the Petitioner seeks to vacate the bail judgment on the basis that the defendant was in custody or an inpatient at a hospital on the day the defendant failed to appear, the Petitioner must provide written proof from the prison or hospital.

Most of the information needed to prepare *Motions* to vacate or reduce bail judgments entered on and after March 4, 2010 is available on the Pennsylvania’s Unified Judicial System web portal at <http://ujportal.pacourts.us/DocketSheets/CP.aspx> and from the official case file.

4. The *Motion to Vacate or Reduce Bail Judgment* must be electronically filed through the *Criminal Electronic Filing System* at www.courts.phila.gov (option under the “Online Services” tab). The *Motion* may also be filed with the Clerk of Courts, Room 310, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA 19107. ***No filing fee will be charged to file the Motion.***

5. As provided in Administrative Order No. 01 of 2012, upon filing, the *Motion to Vacate or Reduce Bail Judgment* shall be assigned to a review officer who will consider the documentation and allegations set forth in the *Motion* together with all applicable court data and will issue an order on behalf of the court in compliance with Philadelphia Criminal Rule *536 (D) without a hearing. The order issued by the review officer will become final unless within thirty (30) days of the date the order was issued or mailed the Petitioner files with the Clerk of Courts a request for a record hearing. If the Petitioner does request a record hearing, it will be held by a bail authority designated pursuant to Philadelphia Criminal Rule *536 (D). The hearing shall be held in accordance with Pa.R.Crim.P. No. 536 and Philadelphia Criminal Rule *536 and the designated bail authority may issue an order on behalf of the court denying the petition or directing that the bail forfeiture, bail assessment and/or bail judgment be vacated or reduced if justice does not require the full enforcement. This order will become final unless within thirty (30) days of the date the order was issued or mailed, the Petitioner files with the Clerk of Courts a request for review by the President Judge or the President Judge’s judicial designee who will issue a final appealable order.

6. Payment information is available on the Court’s website at: <http://www.courts.phila.gov/mtvr/>

For Additional Information

1) For additional Information Regarding Filing the *Motion to Vacate or Reduce Bail Judgment*, contact the Clerk of Courts, Room 310, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA 19107. Phone: 215-683-7700 or 215-683-7827.

2) For questions regarding unpaid bail assessments and bail judgments, contact: Glenn S. Bozzacco, Esquire glenn.bozzacco@courts.phila.gov, Room 371 City Hall, Philadelphia, PA 19107. Phone: (215) 686-4057.

3) To Review the Official Criminal Case file:

a) Open (“Active”) Cases – Room 206, File Security, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA 19107. Phone: 215-683-7532

b) Closed Case: Room 310, Clerk of Courts, Justice Juanita Kidd Stout Center for Criminal Justice, 1301 Filbert Street, Philadelphia, PA 19107. Phone: 215-683-7706