

IN THE SUPREME COURT OF PENNSYLVANIA

NO. 21 EM 2019

THE PHILADELPHIA COMMUNITY BAIL FUND, *et al.*,
Petitioners,

v.

ARRAIGNMENT COURT MAGISTRATES OF THE FIRST
JUDICIAL DISTRICT OF THE COMMONWEALTH
OF PENNSYLVANIA,
Respondents.

ORDER

AND NOW, this ___ day of _____, 2020, upon consideration of the Application of the Montgomery County Office of the Public Defender for Leave to File an *amicus curiae* Brief *nunc pro tunc* in Support of Petitioners, it is hereby **ORDERED** that the Application is **GRANTED**. The Prothonotary is directed to accept the Amicus Curiae Brief attached to the Application for filing.

BY THE COURT:

J.

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*Petitioners,***

v.

**ARRAIGNMENT COURT MAGISTRATES OF THE FIRST
JUDICIAL DISTRICT OF THE COMMONWEALTH
OF PENNSYLVANIA,
*Respondents.***

**APPLICATION OF THE MONTGOMERY COUNTY
OFFICE OF THE PUBLIC DEFENDER FOR LEAVE TO
FILE AN *AMICUS CURIAE* BRIEF *NUNC PRO TUNC* IN
SUPPORT OF PETITIONERS**

Pursuant to Pa.R.A.P. 531(b)(1)(iii), Applicant, the Montgomery County Office of the Public Defender, respectfully requests relief in the form of leave to file *nunc pro tunc* the attached *amicus curiae* brief. In support of this Application, Applicants aver as follows:

1. The Amended Petition for Extraordinary Relief Under the Court's King's Bench Jurisdiction and resulting Report of the Special

Master involve the important question of the operation of cash-bail practices in the First Judicial District.

2. The issues presented in this case, however, are prevalent in counties throughout the state, including Montgomery County.

3. This Court's enforcement of existing rules that govern cash-bail practices, and clarification of the applicable evidentiary standards and other due process requirements, will directly affect indigent individuals who are accused of crimes in Montgomery County. The standards and procedures applied by the First Judicial District that result from this Petition will also operate as a model for practices in other counties.

4. The Montgomery County Office of the Public Defender represents indigent individuals in all stages of their criminal proceedings and has a substantial interest in this matter. The law governing bail practices directly affects our clients, their families, and the communities we serve.

5. The Montgomery County Office of the Public Defender is a community-oriented defender organization that recognizes the inherent link between access to justice and access to healthcare, housing,

education, and employment—all of which are hindered when cash bail is improperly and excessively imposed on clients. We witness firsthand the multitude of individual and community harms caused by dysfunctional bail practices that result in unnecessary and prolonged pretrial detention. Such practices create obstacles to the preparation of the defense, negatively affect case outcomes, and cost our office and the county taxpayer money.

6. While the parties and other *amici* submitted briefing in response to the Report of the Special Master, the Montgomery County Office of the Public Defender is uniquely positioned to address practices outside of Philadelphia that are inherently linked to this Court's pending jurisprudence, specifically with regard to indigent persons.

7. The attached brief does not exceed 4,500 words.

8. No person or entity other than the Montgomery County Office of the Public Defender paid for or authored the attached brief.

WHEREFORE, the Montgomery County Office of the Public Defender respectfully requests that this Court grant leave to file the attached *amicus curiae* brief in support of the Petition.

Respectfully submitted,

/s/ Lee Awbrey

Lee Awbrey (313083)

Chief of Appeals

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Dated: February 3, 2020