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Sent: Wednesday, May 01, 2019 6:48 PM
To: criminalrules@pacourts.us
Subject: Proposals of Criminal Procedural Rules Committee

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
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Dear Counsel,

I am a faculty physician at the Western Psychiatric Hospital of University of Pittsburgh Medical Center. I serve as Associate Director of the Center for Public Service Psychiatry which is a state supported initiative to educate, recruit and retain psychiatrists for the Commonwealth. In connection with this work it has come to my attention that you are reviewing public comments on the rules released last year by the Supreme Court of Pennsylvania Criminal Procedural Rules Committee. I am very concerned about the impact of these procedural rules on adolescents and adults. I feel it is inappropriate and should be unlawful for Magisterial District judges (MDJ's) to impose incapacitating findings costs or other penalties on indigent defenders.

I have reviewed all the 2019 proposed rules and urge you to ensure that:

- Overall, the changes should remove procedures that systematically disadvantage people who lack financial resources. It is in the long-term interest of society and of indigent families that we eliminate systemic procedures that perpetuate their poverty or prolong their periods of incarceration.
- Payment plans are based on a defendant's ability to pay and should not be arbitrarily imposed based on the "minimum" payment plans specified (Rules 454, 456 and others).
- The court should be authorized and expected to provide an indefinite administrative hold when a defendant still owes fines, costs or restitution after 2 years. In addition, I support the recommendation that the MDJ be permitted to void court cost penalties.
- The proposed changes are modified to eliminate or at least minimize penalties that interfere with a defendant's ability to obtain a driver's license. The ability to drive is a crucial part of the reintegration of people who have served their sentences.
- If incarceration for a defendant is clearly called for, the court should be required to document the facts supporting this finding. I would note imminent dish and that proposed changes should spell out precisely how the court should assess evidence that a defendant is or is not able to.

- The court before sentencing should be expected to consider a defendant's ability to pay before imposing discretionary fines and costs.
- When finds and costs are to be prepaid as collateral, the defendant should be permitted to certify in writing that this is not an affordable cost. Even better is that the Commonwealth would do well to eliminate totally prepayment of such collateral as a condition for pleading not guilty.

Thank you for your consideration.

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