CARBON COUNTY COURTS
MOTION FOR CONTINUANCE - CRIMINAL

I. Motion is hereby made to continue the (circle one): Trial Hearing JSC Argument Pre-Trial Conference ARD Plea Sentencing in the following case:

COMMONWEALTH OF PENNSYLVANIA NO. _____
DATE SCHEDULED _____TIME:_____
VS NO. OF PREVIOUS CONTINUANCES:
_____ by Commonwealth___ by Defendant___
Any Outstanding Bench Warrants (circle) Y N

II. The Motion is made for the following reasons (include reason for late filing – less than 2 full working days before scheduled event, if applicable*):

_____ Vacation _____ Illness of Atty. _____ Negotiating Settlement*
_____ Expert Unavailable _____ Record Incomplete* _____ Illness of Party/Material Witness*
_____ Late Sub of Atty. _____ Conflict - Atty. _____ Party/Material Witness Unavailable*
_____ Atty. Unavailable* _____ Other_____

*Please Explain: _____

(Attach copy of order of attachment elsewhere, if applicable; Attach documentation required by Carb.R.Crim.P. 106(b)).

III. Certificate of Service:

I certify that as the moving party, I am serving a copy of this continuance this _____ day of _____, 20__ to the following:

_____ District Attorney Office via _____
Carbon County Courthouse
Jim Thorpe, PA 18229

_____ Defense Counsel via _____
_____
_____

_____ Court Administration via _____
Carbon County Courthouse
Jim Thorpe PA 18229

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____
Name (PRINTED) of Moving Counsel/Pro se Party

_____ _____ _____
Signature of Moving Counsel/Pro se Party Date Representing

IV. Defendant _____ consents _____ does not consent to the continuance request. If consented to, attached hereto and made a part hereof is a duly executed waiver of defendant's right to a speedy trial under Pa.R.Crim.P. No. 600.

V. Motion is not opposed ___; opposed___ for the following reason: _____
_____

_____
Name (PRINTED) of Other Counsel/Pro se Party

_____ _____ _____
Signature of Other Counsel/Pro se Party Date Representing

Continuance Form Revision Effective 30 days after publication in the *Pennsylvania Bulletin*. Published 12/2/2023. Effective 1/2/2024.

RULE 600 – SPEEDY TRIAL
WAIVER

Initial the applicable answers:

1. Do you understand that Rule 600 of the Pennsylvania Rules of Criminal Procedure (Rule 600) requires that your trial begin no later than 180 and/or 365 days from the date on which the criminal complaint charging you with this/these offense(s) was filed with the Magisterial District Judge?

   Yes _____ No _____

2. Do you understand that, with certain exceptions set forth later in this form, if your trial does not begin within the mandatory 180 and/or 365 days period, you may petition the Court to dismiss the charge(s) against you with prejudice and obtain a Court Order ending this prosecution against you for all time?

   Yes _____ No _____

3. Do you understand that any periods of time at any stage of these proceedings in which you or your lawyer were unavailable, and the periods of any continuances in excess of 30 days requested by you or your lawyer at any stage of these proceedings are not counted as part of the time for beginning your trial – that these time periods are excluded from the calculation of the 180 and/or 365 days?

   Yes _____ No _____

4. Do you understand that Rule 600 allows the Commonwealth of Pennsylvania at any time prior to the expiration of the period for commencement of trial to apply for and receive an extension of the period when, despite due diligence by the Commonwealth, your trial cannot begin within the 180 and/or 365 days or any previously extended time period?

   Yes _____ No _____

5. Do you understand that by
   (requesting)
   (agreeing to)
   (not opposing)
   this continuance you are giving up any right which you might otherwise have under Rule 600 to obtain a dismissal of the charges(s) against you for failure to comply with that Rule; that you will not be able to complain that you were denied a speedy trial because of the time consumed by this continuance; and that your trial will be considered timely even if the 180 and/or 365 days or any extension thereof would otherwise have run out before the end of the last day of the next trial session, so long as your trial begins either on or before the expiration of the actual or extended date set by Rule 600, whichever date is latest?

   Yes _____ No _____

6. _____ I have reviewed this "Waiver", the Continuance Form and my Rights to a Speedy Trial with my attorney.

   _____ I do not have an attorney and I do not wish to consult with one concerning this "Waiver", the Continuance Form or my Rights to a Speedy Trial.

_____ _____
Signature of Defendant Date

I hereby certify that I have reviewed this Waiver, the Continuance Form and the Defendant's Rights to a Speedy Trial with the Defendant prior to our signing these forms. If I have executed the above on my client's behalf, my client has authorized me to do so.

_____ _____
Signature of Defendant's Attorney Date