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**ESTATE AND  
TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION**

**ADAMS, BARBARA L. a/k/a  
BARBRA L. ADAMS, Dec'd.**

Late of Lehighnton.

Executor: David D. Adams, Jr.  
c/o Keith W. Strohl, Esquire,  
Steckel and Stopp, 125 S. Walnut  
Street, Suite 210, Slatington,  
PA 18080.

Attorneys: Keith W. Strohl,  
Esquire, Steckel and Stopp,  
125 S. Walnut Street, Suite 210,  
Slatington, PA 18080.

**EVANS, KATHLEEN E., Dec'd.**

Late of the Borough of Summit  
Hill.

Executor: Gary J. Evans, 7134  
Murray Lane, Annandale, VA  
22003-1713.

Attorney: Marianne S. Lavelle,  
Esquire, 415 Mahoning Street,  
Lehighnton, PA 18235-1351.

**GARNER, DOROTHY E.,**

Dec'd.  
Late of 301 Pine Cove Court,  
Lehighton.  
Executrix: Dana Snyder, 337  
Bridge Street, Lehighton, PA  
18235.  
Attorney: Cynthia Ann Dyrda  
Hatton, Esquire, 442 Mahoning  
Street, Lehighton, PA  
18235.

**McCLURE, GEORGE B.,** Dec'd.

Late of Lehighton.  
Executor: William J. Cleveland,  
248 East Hazard Street,  
Summit Hill, PA 18250.  
Attorney: Holly A. Heintzelman,  
Esquire, 192 South First  
Street, Lehighton, PA 18235,  
(610) 377-3331.

**McLAUGHLIN, CECILIA R.,**

Dec'd.  
Late of Palmerton Borough.  
Executrix: Cecilia R. Koerber,  
1500 Hazlewood Rd., Palmerton,  
PA 18071.  
Attorney: None.

**NONWEILER, OLIVIA S. a/k/a**

**OLIVIA NONWEILER,**  
Dec'd.  
Late of the Borough of Lehighton.  
Executors: William T. Nonweiler,  
Jr., 331 South 4th Street,  
Lehighton, PA 18235 and Margaret  
Bretzik, 187 West 13th Street,  
Jim Thorpe, PA 18229.

Attorneys: Thomas S. Nanovic,  
Esquire, Nanovic Law Offices,  
57 Broadway, P.O. Box 359,  
Jim Thorpe, PA 18229-0359.

**PACHKOWSKI, ELIZABETH A.,** Dec'd.

Late of the Borough of Palmerton.  
Executrices: Victoria A. Ben-  
nick, 2804 Long Run Road,  
Lehighton, PA 18235 and Vivian  
J. Miller, 718 Beltz Lane,  
Palmerton, PA 18071.

Attorneys: Jenny Y.C. Cheng,  
Esquire, Cheng Law Offices,  
P.C., 314 Delaware Avenue,  
P.O. Box 195, Palmerton, PA  
18071.

**SECOND PUBLICATION**

**DOTTER, ELLEN JUNE a/k/a**  
**ELLEN DOTTER,** Dec'd.

Late of the Township of Franklin.  
Administrator: Martin H. Snyder,  
110 Penn Street, Lehighton,  
PA 18235.

Attorney: Michael S. Greek,  
Esquire, 42 East Patterson  
Street, Lansford, PA 18232.

**KOSTANESKY, JOHN,** Dec'd.

Late of Beaver Meadows.  
Administratrix: Jocelyn Kostanesky  
c/o Robert J. Gillespie, Jr.,  
Esquire, 67 North Church Street,  
Hazleton, PA 18201.

Attorneys: Robert J. Gillespie,  
Jr., Esquire, Gillespie, Miscavige  
& Ferdinand, LLC, 67 North  
Church Street, Hazleton, PA  
18201, (570) 454-5575.

**SELTZER, ARLENE J.,** Dec'd.

Late of Lehighton.  
Executor: Mr. Lloyd R. Seltzer,  
804 Route 57, Stewartsville, NJ  
08886.

Attorneys: William G. Schwab,  
Esquire, Law Offices

of William G. Schwab & Associates, 811 Blakeslee Blvd. Dr. East, P.O. Box 56, Lehigh-  
ton, PA 18235, (610) 377-5200.

**STERNER, MARY ANN**, Dec'd.  
Late of Summit Hill.

Executrix: Tammie Skymba,  
28 Andrews Road, Lans-  
ford, PA 18232.

Attorney: Jane F. Engler, Es-  
quire, 77 West 10th Street, Jim  
Thorpe, PA 18229.

**WEBB, RICHARD W. a/k/a  
JUDGE WEBB a/k/a DICK  
WEBB**, Dec'd.

Late of Palmerton.

Executors: Richard W. Webb,  
Jr. and Thomas Webb c/o  
Nanovic Law Offices, 57  
Broadway, Jim Thorpe, PA  
18229.

Attorneys: James R. Nanovic,  
Esquire, Nanovic Law Offices,  
57 Broadway, P.O. Box 359,  
Jim Thorpe, PA 18229-0359.

**THIRD PUBLICATION**

**BINDER, ELIZABETH**, Dec'd.

Late of Lehighton.

Executor: Edward Binder, 125  
Balsam Way, Palmerton, PA  
18071.

Attorneys: Roberti & Roberti,  
LLC, 56 Broadway, P.O. Box  
29, Jim Thorpe, PA 18229.

**EXNER, ETHEL**, Dec'd.

Late of Lehighton.

Executrix: Denise Chaytor-  
Zugarek c/o Scott M. Amori,  
Esquire, 513 Sarah St.,  
Stroudsburg, PA 18360.

Attorneys: Scott M. Amori,  
Esquire, Amori & Associates,

LLC, 513 Sarah St., Strouds-  
burg, PA 18360, (570) 421-  
1406.

**GORSKI, CHRISTINA**, Dec'd.  
Late of Beaver Meadows.

Executrix: Kathleen Fulton  
c/o Peter J. Fagan, Esquire,  
P.O. Box 904, Conyngham, PA  
18219.

Attorney: Peter J. Fagan, Es-  
quire, P.O. Box 904, Conyng-  
ham, PA 18219.

—————  
**NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE**

—————  
IN THE COURT OF COMMON  
PLEAS OF CARBON  
COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW

—————  
NO. 16-0951

—————  
WELLS FARGO BANK, N.A.  
s/b/m TO WACHOVIA

CARBON COUNTY LAW JOURNAL

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BANK, N.A. f/k/a FIRST  
UNION NATIONAL BANK  
Plaintiff

vs.

JACOB R. KLOTZ, in his  
capacity as Executor and  
Devisee of the Estate of  
DARLENE J. KLOTZ, THE  
DARLENE J. KLOTZ  
REVOCABLE LIVING TRUST;  
GERALD G. KLOTZ, in his  
capacity as Devisee of the  
Estate of DARLENE J. KLOTZ;  
THE UNKNOWN TRUSTEE  
OF THE DARLENE J. KLOTZ  
REVOCABLE LIVING TRUST;  
THE UNKNOWN  
BENEFICIARIES OF THE  
DARLENE J. KLOTZ  
REVOCABLE LIVING TRUST  
Defendants

NOTICE

TO: THE DARLENE J. KLOTZ  
REVOCABLE LIVING  
TRUST, THE UNKNOWN  
BENEFICIARIES OF THE  
DARLENE J. KLOTZ REVO-  
CABLE LIVING TRUST and  
THE UNKNOWN TRUSTEE  
OF THE DARLENE J. KLOTZ  
REVOCABLE LIVING TRUST

You are hereby notified that  
on May 19, 2016, Plaintiff,  
WELLS FARGO BANK, N.A.  
s/b/m TO WACHOVIA BANK,  
N.A. f/k/a FIRST UNION NA-  
TIONAL BANK, filed a Mort-  
gage Foreclosure Complaint  
endorsed with a Notice to De-

fend, against you in the Court of  
Common Pleas of CARBON  
County, Pennsylvania, docketed  
to No. 16-0951. Wherein Plaintiff  
seeks to foreclose on the mort-  
gage secured on your property  
located at 115 LEHIGH AVE-  
NUE, PALMERTON, PA 18071-  
1706 whereupon your property  
would be sold by the Sheriff of  
CARBON County.

You are hereby notified to  
plead to the above referenced  
Complaint on or before 20 days  
from the date of this publication  
or a Judgment will be entered  
against you.

NOTICE

If you wish to defend, you  
must enter a written appearance  
personally or by attorney and file  
your defenses or objections in  
writing with the court. You are  
warned that if you fail to do so  
the case may proceed without  
you and a judgment may be en-  
tered against you without fur-  
ther notice for the relief request-  
ed by the plaintiff. You may lose  
money or property or other  
rights important to you.

YOU SHOULD TAKE THIS  
NOTICE TO YOUR LAWYER  
AT ONCE. IF YOU DO NOT  
HAVE A LAWYER, GO TO OR  
TELEPHONE THE OFFICE SET  
FORTH BELOW. THIS OFFICE  
CAN PROVIDE YOU WITH

INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

North Penn Legal Services

101 W. Broad St.

Suite 513

Hazleton, PA 18201

Telephone (877) 515-7628

Sept. 16

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**PUBLIC NOTICE**

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**NOTICE OF CONFIRMATION  
OF FIDUCIARIES'  
ACCOUNTS**

To all claimants, beneficiaries, heirs, next-of-kin, and all other parties in interest:

NOTICE IS HEREBY GIVEN that the following named fiduciaries of the respective estates designated below have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills in and for the County of Carbon, Pennsylvania, and the same will be presented to the Orphans' Court Division, Courtroom No. 1, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on October 3, 2016 for confirmation. All objections must be filed in writ-

ing in the office of the Clerk of Orphans' Court Division, Court of Common Pleas, Jim Thorpe, Pennsylvania, prior to the foregoing stated date and time:

ESTATE; Fiduciary; Attorney MAHLON S. KEMMERER, Dec'd.; John L. Kemmerer, III, Arthur Williams, III and Eric Macy, Trustees; John L. Kemmerer, III, Arthur Williams, III and Eric Macy, Trustees.

WILLIS V. DIEHL, Dec'd.; Christine G. Barry, Trustee, Family Trust; William G. Schwab, Esq.

IAN W. DEGARNHAM, Dec'd.; Michael Eric Adler, Esq. and Glen Degarnham, Administrators; Kevin M. Scott, Esq.

REBECCA A. PILLA a/k/a REBECCA A. ZIEGLER, Dec'd.; Anna L. Yaniga, Administratrix and Guardian of Estate; William E. McDonald, Esq.

ANTHONY VALUSEK, GUARDIANSHIP; William G. Schwab, Guardian of Estate; William G. Schwab, Esq.

DAN J. RIMSKY, Dec'd.; Matthew Rimsky, Administrator; James R. Nanovic, Esq.

RITA M. ZANDERS, Dec'd.; Edith M. Lutsko, Executrix; Marianne S. Lavelle, Esq.

MARK A. RIMSKY, Dec'd.; Edward M. Lewis, Executor; James R. Nanovic, Esq.

JOSEPH ROBERT PROULX a/k/a JOSEPH R. PROULX a/k/a JOSEPH PROULX, Dec'd.

CARBON COUNTY LAW JOURNAL

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Theresa Marie Proulx/Moyer,  
Executrix; Daniel M. Corveleyn,  
Esq.

WILLIAM E. TRAVIS a/k/a  
WILLIAM E. TRAVIS, SR. a/k/a  
WILLIAM TRAVIS, Dec'd.;  
Keith R. Pavlack, Esq., Adminis-  
trator; Keith R. Pavlack, Esq.

VERONICA J. GALLAGHER  
a/k/a BLONDIE GALLAGHER,  
Dec'd.; Andrea Kriner, Execu-  
trix; James R. Nanovic, Esq.

JUDY F. MOON  
Register of Wills &  
Clerk of Orphans' Court  
Carbon County, PA  
Sept. 16, 23

Sharon Backenstoos  
Shipwash  
Heather J. Minnich  
Incorporators  
201 S. 4th Street  
Lehighton, PA 18235

Sept. 16

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**NOTICE**

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NOTICE IS HEREBY GIVEN  
that Articles of Incorporation  
were filed on June 13, 2016 with  
the Commonwealth of Pennsyl-  
vania, Department of State, at  
Harrisburg, Pennsylvania for the  
purpose of obtaining a Certifi-  
cate of Incorporation.

The name of the Corporation  
organized under the Pennsylva-  
nia Nonprofit Corporation Law  
of 1988, Act of December 21,  
1988, P.L. 1444, No. 177, as  
amended and supplemented, is:

DISCOVERY MERCY

The purpose for which the  
Corporation was organized and  
shall specifically include but not  
be limited to provide Christian  
lay person counseling to abused  
women.

IN THE COURT OF COMMON PLEAS  
OF CARBON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE: AMENDMENT OF LOCAL RULE OF :  
CIVIL PROCEDURE CARB.R.C.P. :  
1915.3 COMMENCEMENT OF : NO. 16-2127  
ACTION. COMPLAINT. ORDER. :

*ADMINISTRATIVE ORDER NO. 12-2016*

AND NOW, this 2nd day of September, 2016, it is hereby **ORDERED** and **DECREED** that, effective November 1, 2016, the Carbon County Court of Common Pleas **AMENDS** Carbon County Rule of Civil Procedure CARB.R.C.P. 1915.3 governing Commencement of Action, Complaint and Order in custody matters.

The Carbon County District Court Administrator is **ORDERED** and **DIRECTED** to

1. File one (1) certified copy of this Local Rule and Administrative Order with the Administrative Office of Pennsylvania Courts.
2. Electronically email a Word file of the Local Rule and Administrative Order to [bulletin@palrb.us](mailto:bulletin@palrb.us) and file two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish the Rule on the Carbon County Court website at <http://www.carboncourts.com>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Administrative Order and Rule in the Prothonotary's Office.
7. Incorporate the local rule no later than thirty (30) days after publication in the *Pennsylvania Bulletin* with this Court's complete set of Rules of Court published at <http://www.carboncourts.com>.

BY THE COURT:

\_\_\_\_\_  
ROGER N. NANOVIC,  
PRESIDENT JUDGE

Sept. 16





**RULE 1915.3—COMMENCEMENT OF ACTION. COMPLAINT. ORDER.**

The person to be designated in the notice to defend as the person from whom legal services can be obtained shall be the same as provided for in CARB.R.C.P.1018.1.

Any party to a custody action, who is incarcerated and cannot attend any scheduled proceeding and wishes to participate by electronic means, shall request permission from Court Administration seven (7) days before the scheduled event. Said party shall be responsible for making the arrangements with Court Administration and the Warden of said facility where the party is incarcerated.



IN THE COURT OF COMMON PLEAS  
OF CARBON COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

IN RE: AMENDMENT OF 56TH :  
JUDICIAL DISTRICT— :NO.CP-13-AD-0000005-2016  
CONSTABLE MANUAL :  
FOR CARBON COUNTY :

*ADMINISTRATIVE ORDER NO. 13-2016*

AND NOW, this 12th day of September, 2016, it is hereby  
**ORDERED** and **DECREED**, that effective November 1, 2016, the  
Carbon County Court of Common Pleas **AMENDS** the attached  
Constable Manual governing the procedures to be followed by all  
Constables performing judicial duties for the 56th Judicial District.

The Carbon County District Court Administrator is **ORDERED**  
and **DIRECTED** to do the following:

1. File one (1) copy electronically to adminrules@pacourts.us of  
this Administrative Order and Manual with the Administra-  
tive Office of Pennsylvania Courts.
2. File two (2) paper copies and one (1) electronic copy in a  
Microsoft Word format to bulletin@palrb.us with the Legisla-  
tive Reference Bureau for publication in the *Pennsylvania  
Bulletin*.
3. Publish the Rule on the Carbon County Court website at  
<http://www.carboncourts.com>.
4. Forward one (1) copy for publication in the *Carbon County  
Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of  
the Administrative Order and Manual in the Clerk of Courts  
Office.
7. Incorporate the Manual no later than thirty (30) days after  
publication in the *Pennsylvania Bulletin* with this Court's  
complete set of Rules of Court published at  
<http://www.carboncourts.com>.

BY THE COURT:

\_\_\_\_\_  
ROGER N. NANOVIC, P.J.

Sept. 16



**CONSTABLE MANUAL**

**56th JUDICIAL DISTRICT**  
**CARBON COUNTY, PENNSYLVANIA**



Effective May 1, 2016  
Amended November 1, 2016

## TABLE OF CONTENTS

- I. General Provisions
  - II. Powers and Duties
  - III. Warrant Procedures
  - IV. Compensation
  - V. Constable Code of Conduct
- Appendix    Exhibit A – Acknowledgment  
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## I. GENERAL PROVISIONS

- A. Definitions** - Subject to additional definitions contained in subsequent sections of this manual, the following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

**C.C.C.F.** - Carbon County Correctional Facility

**Clerk of Courts** - The official, and that official's office, in the 56th Judicial District who, pursuant to 42 Pa. C.S.A. §§ 2756 and 2757, has the responsibility and function to maintain the official criminal case file and list of docket entries for each criminal proceeding, and to perform such other duties as required by rule or law.

**Constable** - All elected, court appointed, and/or deputy constables duly elected or appointed pursuant to statutory authority. As elected or appointed officials, constables are independent contractors and are not employees of the Commonwealth, the judiciary, or the municipality in which they serve.

**Constable's Education and Training Board (C.E.T.B.)** - The Constable's Education and Training Board established and created pursuant to 44 Pa. C.S.A. § 7143 responsible for developing basic training and firearms education for constables and to certify constables who perform judicial duties.

**Controller** - The duly elected County Controller for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq.

**County** - County of Carbon.

**Court** - The Court of Common Pleas for the 56th Judicial District.

**Court Administrator** - The District Court Administrator for the 56th Judicial District as designated by the Pennsylvania Supreme Court and the Administrative Offices of the Pennsylvania Courts.

**Court Official** - The Judges of the Court of Common Pleas for the 56th Judicial District, the Magisterial District Judges for the 56th Judicial District, the Carbon County District Court Administrator, the Chief Adult Probation Officer for the Carbon County Probation Department, and all employees in the respective offices.

**Judicial Duties** - Services and duties performed by a constable for the payment of fees as authorized by 44 Pa. C.S.A. § 7161, including all services specified therein regardless of whether a fee is actually sought by the constable or paid by the County.

**Magisterial District Judge** – A public official having the power and authority of a magisterial district judge whose jurisdiction falls within the 56th Judicial District.

**P.C.C.D.** - Pennsylvania Commission on Crime and Delinquency.

**Prothonotary** – The duly elected Prothonotary for the 56th Judicial District empowered with the rights, duties, and responsibilities under 42 Pa. C.S.A. §§ 2736 and 2737, who



has the responsibility to maintain official court records and to perform such other duties as required by rule or law.

**Sheriff** – The duly elected Sheriff for the County of Carbon empowered with the rights, duties, and responsibilities under the County Code, 16 P.S. § 101 et seq., including all deputies appointed in compliance with the County Code.

## II. POWERS AND DUTIES

### A. Requirements of Constables Performing Judicial Duties in the 56th Judicial District

- Constables performing judicial duties within the 56th Judicial District must:

1. Be certified by C.E.T.B.
2. Post a bond with the Clerk of Courts' Office in the sum of \$2,500 conditioned upon the just and faithful discharge by the constable of the duties of his/her office. The bond shall be held in trust for the use and benefit of persons who may sustain injury by reason of a constable's neglect of duty. Proof of the filing of a bond must be provided to the Court Administrator's Office.
3. Maintain a policy of professional liability insurance providing coverage for the performance of judicial duties with a minimum coverage of \$250,000 per incident and a minimum aggregate of \$500,000 per year. Proof of insurance coverage must be filed with the Clerk of Courts Office and the Court Administrator's Office annually.
4. Maintain a valid and current Pennsylvania driver's license and required financial responsibility (automobile insurance) on any vehicle used for the performance of judicial duties. Proof of licensing and insurance must be provided to the Court Administrator's Office as required by that office. Absence of a driver's license does not preclude a constable who is otherwise approved by the Court to perform judicial duties from working with a constable pursuant to 44 Pa. C.S.A. § 7161(c), provided the unlicensed or uninsured constable does not operate a motor vehicle. However, unless accompanied by another constable who maintains a valid and current Pennsylvania driver's license and required financial responsibility, a constable who does not possess a valid driver's license or required financial responsibility shall not perform judicial duties.
5. Maintain current contact information with the Court Administrator's Office. Current contact information shall include constable's current address, telephone number, and cell phone number. Contact information shall also include information as to any other communication equipment utilized by the constable to perform judicial duties (e.g. pager, fax machine).
6. If carrying a firearm in the performance of judicial duties, a constable shall provide the Court Administrator's Office with proof of certification or qualification to carry or use firearms as provided by 44 Pa. C.S.A. § 7148.
7. Complete and provide the Controller with all vendor authorization documents, including the production of a tax identification number as required by local, state, or federal law or policies and procedures of the Controller.

8. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and understands the provisions and terms set forth therein. The acknowledgment shall be in the form attached hereto as "Exhibit A."
9. Provide the Court Administrator's Office with an executed acknowledgment evidencing the constable has received a copy of the Constable Manual for the 56th Judicial District and understands the provisions and terms set forth in the manual governing the performance of judicial duties. The acknowledgment shall be in the form attached hereto as "Exhibit A."

**B. Authorization to Perform Judicial Duties** - No Magisterial District Judge, nor any other Court Official, shall request or otherwise authorize a constable to perform judicial duties, nor shall the Controller authorize payment of fees for a constable performing judicial duties, unless the constable has been designated by the Court Administrator's Office as a constable authorized to perform judicial duties.

1. The Court Administrator's Office shall maintain a list of all constables who are authorized to perform judicial duties within the 56th Judicial District. The Court Administrator's Office shall publish the list with all Magisterial District Judges in the 56th Judicial District; any other Court office utilizing constable services in the performance of judicial duties; the Controller; and the Clerk of Courts Office on a regular basis. This list shall be updated and published at least annually. In the event the privilege of a constable to perform judicial duties is revoked by the Court, the Court Administrator's Office shall promptly notify the identified offices of the same.
2. The Court Administrator's Office shall develop policy and procedure to effectuate and ensure a constable's compliance with the requirements set forth in Section A above.

**C. Removal of Authorization to Perform Judicial Duties** - Although a constable may only be removed or disciplined for acts of malfeasance or misfeasance upon petition of the District Attorney or an individual citizen (see 13 P.S. § 31), a constable's authorization to perform judicial duties pursuant to Section B above may be revoked at any time pursuant to the authority of the President Judge for the 56<sup>th</sup> Judicial District.

1. A constable's authority to perform judicial duties may be revoked in the following circumstances:
  - a. a constable permits his/her compliance with the requirements of Section A above to lapse;
  - b. the constable commits a breach of the duties or requirements of this manual including, but not limited to, the Constable Code of Conduct as set forth in Section V herein;

- c. the constable commits any violation of the law while in the performance of judicial duties or is otherwise convicted of criminal conduct which places the integrity or honesty of the constable at issue;
    - d. the constable commits any act which jeopardizes public trust in or brings disrespect to the Court.
  - 2. Court Officials who know, or have reason to believe, that a constable has committed a violation of the Code of Conduct or the provisions of the Constable Manual shall promptly inform the Court Administrator's Office of the same.
  - 3. All complaints of constable misconduct, including complaints related to failure to comply with the Constable Manual, shall be promptly investigated by the Court Administrator. The results of the investigation shall be provided to the President Judge for further action, if any.
- D. Minimum Requirements** - Compliance with the provisions of this manual does not guarantee a constable the right to perform judicial duties for a Magisterial District Judge. Rather, the provisions of this section set forth the minimum requirements which must be complied with before a constable may be utilized by a Magisterial District Judge to perform judicial duties. Magisterial District Judges retain the right to assign constable work within their reasonable discretion provided the utilized constable is otherwise in compliance with this section.

### III. WARRANT PROCEDURES

- A. Definitions** - The following words and phrases shall have, unless the context indicates otherwise, the meanings given to them in this section.

**Legal Holiday** - For purposes of this manual, the following shall be defined as legal holidays: New Year's Day, Martin Luther King, Jr.'s Day, Presidents' Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, the Day after Thanksgiving Day, and Christmas Day. For those holidays identified herein which annually fall on a rotating calendar day, the actual date shall be defined as the day designated as the federal holiday.

**Arrest Warrant** - An arrest warrant for a misdemeanor/felony offense issued pursuant to Pa. R. Crim. P. 513 et. al by a Magisterial District Judge for private criminal complaints, including those filed by the Pennsylvania Department of Inspector General, and which have been approved by the District Attorney's Office.

**Summary Warrant** - A warrant issued by a Magisterial District Judge pursuant to Pa. R. Crim. P. 430. This definition includes both arrest warrants and bench warrants issued pursuant to Rule 430.

- B. Summary Warrants and Misdemeanor/Felony Warrants for Private Criminal Complaints** - The following procedures shall apply to the issuance and service of these warrants.

- 1. Magisterial District Judges possess the exclusive right, subject to the authority of the President Judge, to distribute warrants issued by them to a constable of their

choice who satisfies the requirements of the C.E.T.B., this manual, and the Court Administrator's Office to perform judicial duties. Magisterial District Judges shall issue warrants where appropriate pursuant to the Pennsylvania Rules of Criminal Procedure and prevailing law.

2. Upon issuance of a warrant, the Magisterial District Judge may assign the warrant to a constable authorized to perform judicial duties by the Court Administrator's Office. Unless the warrant is unassigned, no constable other than the assigned constable shall serve a warrant within 60 days of the initial issuance of the warrant by the Magisterial District Court, subject to the following:
  - a. If the subject of the warrant is in the custody of the Sheriff's Department as a result of contact between the subject and the Sheriff's Department unrelated to the warrant or in the custody of prison officials in which case a duplicate warrant may be issued to the Sheriff's Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or
  - b. If the subject of the warrant is present in the Carbon County Courthouse and, as a result of routine examination by the Sheriff's Department of any person appearing before the Court of Common Pleas or other information acquired by the Sheriff's Department, the Sheriff's Department learns that an individual present in or at the Courthouse is the subject of a warrant, a duplicate warrant may be issued to the Sheriff's Department. In the event the Sheriff's Department serves such a warrant, the Magisterial District Judge, upon notice of the same, shall promptly alert the assigned constable that the warrant has been served; or
  - c. If the subject of the warrant is in the custody of a constable who has exercised custody pursuant to another warrant issued and served in compliance with this manual in which case the original warrant shall be recalled and reissued to the constable who has custody of the subject; or
  - d. If the subject of the warrant is in the custody of a constable as the result of execution of another warrant issued by a Court official or Magisterial District Judge of another Judicial District of this Commonwealth in which case the original warrant shall be recalled and reissued to the Constable.
3. Upon service of the warrant, the constable to whom the warrant has been assigned shall immediately notify the issuing authority of service and promptly return a certified copy of the warrant to the District Court evidencing service of the warrant.
4. If the subject of the warrant is in the custody of a municipal or state police officer who, for any reason, has taken the subject before the issuing authority, the Magisterial District Judge shall promptly notify any constable to whom the warrant has been assigned that the warrant has been served.

5. During the normal operating hours of the Magisterial District Court, if a Constable reasonably believes he/she will be able to serve a summary warrant which has been assigned to another Constable, or is unassigned, within the next 12 hours, he/she shall contact the issuing District Court in which case a warrant may be issued to the Constable.
6. All assigned, unserved summary warrants shall be available for service by any constable authorized to perform judicial duties in the 56th Judicial District after the 60<sup>th</sup> day following issuance of the warrant. In all such cases, it shall be the responsibility of the constable seeking to serve the warrant to review the warrant and determine if the warrant is available to be served by that constable. A constable shall not request a warrant to be reissued unless imminent service of the warrant is anticipated. For purposes of this paragraph, imminent service requires a good faith belief as to the whereabouts of the subject of the warrant and the likelihood that the warrant will be served within the immediately subsequent 12-hour period.
7. When a summary warrant is issued pursuant to Pa. R. Crim. P. 430, upon service of the warrant, the constable shall either:
  - a. Accept a signed guilty plea together with payment in full of the amount of the fines and costs as stated on the warrant;
  - b. Accept from the defendant a signed not guilty plea together with payment in full of the amount of the collateral stated on the warrant; or
  - c. If the defendant is unable to pay the full amount of the fines and costs or collateral, cause the defendant to be taken without unnecessary delay before the issuing authority during normal court hours, or before the on-call Magisterial District Judge.
8. When a constable accepts fines and costs or collateral, the constable shall issue a receipt to the defendant setting forth the amount of the fines and costs or collateral received and promptly return a copy of the receipt, signed by the defendant and constable, to the proper issuing authority. Constables must return the warrant and any pleas, fines, costs, and/or restitution collected to the issuing authority no later than the close of business during the same business day; or if served after normal court hours, on the next business day. Constables should make every effort to resolve service of the warrant as per Pa. R. Crim. P. 430 before physically transporting the defendant to the proper issuing authority, or on-call Magisterial District Judge.
9. A constable shall not serve a summary warrant issued pursuant to Pa. R. Crim. P. 430 at a residence between the hours of 10:00 p.m. and 6:00 a.m., or after 10:00 p.m. on the day preceding a legal holiday until after 6:00 a.m. of the day following the legal holiday.
10. A constable shall not attempt to serve a summary warrant or take the subject of such a warrant into custody unless in possession of a valid warrant.

**C. Return of Unserved Warrants**

1. A constable who has been issued a warrant pursuant to this manual shall return the warrant to the Magisterial District Court at the expiration of sixty (60) days of its issuance or 12 hours for those warrants issued pursuant to Chapter III, B (5), (6) if the constable is unable to execute or effectuate service within those time periods. Failure to return the warrant within the time period set forth herein may, at the discretion of the President Judge, result in a revocation/restriction of one's right to perform judicial duties.
2. A constable shall not, under any circumstance, make a duplicate or copy of any warrant for purposes of service.

**D. Warrant Service on Incarcerated Parties**

1. Unless expressly approved in advance by the Issuing Authority, President Judge or Court Administrator, warrant service on parties already incarcerated or otherwise in the custody of prison officials [is not authorized and] will not be compensated.
2. The Court may authorize payment in Summary Warrant matters in the event, through the efforts of a constable seeking a defendant, the constable learns that a defendant is incarcerated in a County jail outside of Carbon County but within the Commonwealth, and relays that information to the issuing authority.
  - a. The Magisterial District Judge must indicate that he/she was unaware that the defendant was incarcerated in a County jail outside of Carbon County but within the Commonwealth when the warrant was issued.

**IV. COMPENSATION**

- A. Preliminary Provisions** - Constables shall be paid fees in compliance with the fee schedule set forth in 44 Pa. C.S.A. § 7161 or subsequent legislative act or rule of court. Constables shall not be paid a fee for any judicial act committed in violation of the provisions of this manual. Fees shall not be paid unless the request for fees is made in compliance with the procedures set forth in this chapter. When three or more warrants are served on the same subject of the warrant, compensation shall be paid for a maximum of three warrants served.
- B. Reimbursement Procedure** - Constables shall comply with the procedures of this section in seeking reimbursement for services. A request for reimbursement of services not in compliance with the procedures of this section may be denied on that basis.
1. Magisterial District Judge Warrants - Payment for the performance of judicial duties related to the issuance of a warrant by a Magisterial District Judge shall be submitted to the Magisterial District Judge who authorized the service on the form prescribed by the Court Administrator's Office or the Administrative Office of the Pennsylvania Courts. See Exhibit "B" attached to this manual. The Magisterial District Judge shall acknowledge receipt of the request by executing the same and promptly forwarding the request to the County Controller's Office

for payment. Execution of a constable's fee request by a Magisterial District Judge evidences that the Magisterial District Judge authorized the service for which fee reimbursement is being requested.

2. All reimbursement forms shall be completed in their entirety. A form which is incomplete will be returned to the constable by the Magisterial District Court promptly and shall be considered as not having been filed for purposes of the time period set forth in Section IV (C) of this manual.

**C. Time of Invoice** - Request for payment of all fees shall be made to the Magisterial District Judge in the manner directed by this manual within 30 days of the date of the performed service. Although the County's liability for the payment of fees submitted after 30 days of the date of service shall be controlled by prevailing law, failure to submit requests for payment of fees within the time period set forth herein may result in the revocation of a constable's privilege to perform judicial duties.

**D. Mileage** - The following rules shall apply to reimbursement for actual mileage:

1. Actual mileage for travel by motor vehicle shall be reimbursed at a rate equal to the highest rate allowed by the Internal Revenue Service.
2. No constable shall undertake travel in the performance of judicial duties by any mode other than motor vehicle, unless prior written consent for the same is authorized by the Court Administrator.
3. In effectuating service of a warrant, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location of commitment, if necessary, plus the number of miles from the commitment location to the issuing authority's office. Where commitment does not occur, actual mileage for travel by motor vehicle for purposes of the payment of fees shall be the number of miles from the issuing authority's office to the location where the warrant is served plus the number of miles to the location where acceptance of payment or collateral is made, plus the number of miles from this location to the issuing authority's office.

**E. Hours Worked** - All work that calculates reimbursement by the hour shall be rounded to the nearest quarter-hour.

**F. Second Constable** – Except for those circumstances described in 44 Pa.C.S.A. §7161 (c), upon prior approval by the issuing authority, when a second constable is utilized in the service of a warrant, the second constable shall also examine the warrant to ensure that service of the warrant is in compliance with the provisions of this Manual. The second constable shall follow all requirements as described in the Manual and will be held to the same standards as the constable who obtained the warrant for service.

## V. CONSTABLE CODE OF CONDUCT

**A. Introduction** - A fair and independent court system is essential to the administration of justice. Although constables are not employees of the Commonwealth, the judiciary or any municipal agency, as an independent contractor, they provide services and aid to

the judicial process. Proper conduct by those involved in assisting the judicial process inspires public confidence and trust in the Courts and conveys the values of impartiality and fairness that promote the integrity of our system of justice. A constable's conduct reflects upon the Court's commitment to serving the public. A constable performing judicial duties shall observe high standards of conduct so that the integrity and independence of the judicial system are preserved. The provisions of this code shall be applied to further those objectives. All constables performing judicial duties shall observe the standards of conduct set forth in this section. These standards however shall not limit or preclude, nor be interpreted to limit or preclude, other more stringent standards as established by law or by Court order or rule.

**B. Performance of Judicial Duties** - Constables performing judicial duties shall conduct themselves in an appropriate and lawful manner at all times and shall adhere to the following standards. Constables performing judicial duties:

1. Shall not engage in any form of discrimination, harassment, or retaliation against any person as prohibited by law or Court policy;
2. Shall not engage in any form of violence, threat of violence, or disruptive conduct;
3. Shall not make intentionally false or misleading statements when performing judicial duties. Specifically, a constable may not make a false statement of material fact or law or fail to correct a false statement of material fact or law to any party for purposes of obtaining compliance or forfeiture by a person of their legal rights;
4. Shall not falsify, or improperly alter or destroy work-related documents or records;
5. Shall not be impaired by alcohol, drugs, medications, or other intoxicating substances while performing judicial duties;
6. Shall not give legal advice while performing judicial duties beyond an explanation of the duty they are performing and one's right to be represented by counsel;
7. Shall not illegally possess weapons or controlled substances while performing judicial duties;
8. Shall avoid impropriety or the appearance of impropriety in the performance of all judicial duties;
9. Shall not commit any violation of the law while performing their judicial duties;
10. Shall not be convicted of any crime which shall place their integrity, honesty, or credibility at issue or otherwise negatively reflect upon the integrity and independence of the Court or Court offices;
11. Shall not make any sexual advance, request for sexual favors, or perform other verbal or physical conduct of a sexual nature while in the performance of judicial



duties. Such conduct shall include but is not limited to touching, fondling, patting, pinching, kissing, or other physical contact for sexual gratification;

12. Shall treat all those with whom they interact, including Court staff, with professionalism, dignity, respect, and impartiality;
13. Shall cooperate with all law enforcement agencies and their representatives including the Sheriff's Department, the C.C.C.F., and Carbon County staff;
14. Shall not use any means that has no substantial purpose other than to embarrass, delay, or burden the rights of another person or use methods that violate the legal rights of such person;
15. Shall not in any manner hold himself/herself out to be an agent, employee, or representative of any Court office; and
16. Shall not utilize a motor vehicle in the performance of judicial duties contrary to the provisions of the Pennsylvania Motor Vehicle Code.

**C. Confidentiality** - Constables shall not disclose or use confidential information obtained through the performance of judicial duties for any purpose not connected with the performance of their judicial duties.

**D. Conflicts of Interest -**

1. Constables shall not solicit, accept, or agree to accept anything of value from any person or entity doing or seeking to do business with, or having an interest in a matter related to the performance of judicial duties.
2. Constables shall not permit family, social, or other relationships to influence their official conduct or judgment, or to create the appearance of influence in the exercise of their official conduct or judgment, while in the performance of judicial duties. Constables performing judicial duties shall inform the Court Administrator of any situation creating undue influence or the appearance of undue influence.
3. Constables shall not use the resources, employees, property, facilities, time, or any funds under their control while in the performance of their judicial duties to improperly benefit them or any other person.

**E. Use of Force** - A constable's use of force shall be consistent with Pennsylvania law and in compliance with training and education provided by the C.E.T.B. A constable shall never employ unnecessary force or violence and shall use only such force in the discharge of duty as is reasonable under the circumstances. While the use of force is occasionally unavoidable, every constable in the performance of judicial duties shall refrain from applying any unnecessary infliction of pain or suffering and shall never engage in cruel, degrading, or inhuman treatment of any person. A constable shall not fire, unholster, or otherwise remove a firearm from its holster in the performance of judicial duties unless the same is necessary for the defense of the constable or others in response to the threat or use of deadly force against the constable or another where the

action is consistent with firearms training provided by P.C.C.D. In no event shall a firearm be unholstered for purposes of intimidation.

**F. Appearance -**

1. Dress - All constables shall dress in customary law enforcement uniform or casual business dress while performing judicial duties. Denim jeans are considered neither customary law enforcement uniform nor casual business dress and are prohibited.
2. Sign of Authority - While in the performance of judicial duties, all constables shall prominently display a badge of authority on their outermost clothing. The badge of authority shall consist of either a Pennsylvania state constable patch or a badge pinned to the outermost garment, displayed around the neck, or attached to a belt. Additionally, while performing judicial duties, a constable shall carry at all times a constable certification card issued by C.E.T.B. indicating certification number and expiration date.

- G. Duty to Report -** Constables who are arrested, charged with, or convicted of a crime, including summary offenses, which occurred while the constable was acting in the course of performing judicial duties, shall report this fact to the Court Administrator at the earliest opportunity, however, in no event shall this report be made later than three (3) business days from the date of arrest or receipt of charges. Constables who are arrested, charged with, or convicted of a crime, other than summary traffic offenses not committed while in the performance of judicial duties, regardless of the jurisdiction in which the conduct occurred, shall report this fact to the Court Administrator at the earliest reasonable opportunity, however, in no event shall this report be made later than three (3) business days from the date of the arrest or receipt of charges.

**ACKNOWLEDGMENT**

I, \_\_\_\_\_, have received a copy of the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct. I also acknowledge receipt of a copy of the Fifty-Sixth Judicial District Constable Manual. I understand that in order to perform judicial duties, or to be paid for work performed for the Fifty-Sixth Judicial District, I must abide by the procedures and requirements set forth in the Pennsylvania Unified Judicial System Constable Policies, Procedures, and Standards of Conduct and the Fifty-Sixth Judicial District Constable Manual, including the Code of Conduct, and hereby agree to abide by those procedures and requirements.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

**CARBON COUNTY CONSTABLE PAYMENT SHEET**

CONSTABLE NAME \_\_\_\_\_ CONSTABLE NUMBER \_\_\_\_\_

DISTRICT COURT NUMBER \_\_\_\_\_ DISTRICT JUDGE \_\_\_\_\_

DEFENDANT'S NAME \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DEFENDANT'S ADDRESS \_\_\_\_\_

SERVICE	FEE	DATE(S) SERVICES PERFORMED	SERVICE	FEE	DATE(S) SERVICES PERFORMED
WARRANT .....	\$ _____	( ) _____	ARRAIGNMENT.....	\$ _____	* ( ) _____
HOW WAS SERVICE MADE? _____			COMMIT TO.....	\$ _____	* ( ) _____
_____			RETURN OF SERVICE .....	\$ _____	( ) _____
TO WHOM? _____			CONVEY (FINGERPRINTING) \$ _____		* ( ) _____
RELEASE .....	\$ _____	( ) _____	FINGERPRINTING .....	\$ _____	* ( ) _____
CUSTODY.....	\$ _____	* ( ) _____	RELEASED ON BOND .....	\$ _____	* ( ) _____
CONVEY .....	\$ _____	* ( ) _____	OTHER .....	\$ _____	( ) _____
TO: _____			OTHER .....	\$ _____	( ) _____
TO: _____			OTHER .....	\$ _____	( ) _____

\* MAY ONLY BE CHARGED ONCE PER DEFENDANT PER DATE HANDLED TOTAL \$ \_\_\_\_\_

NAME OF ASSISTING CONSTABLE OR DEPUTY \_\_\_\_\_

DATE	FROM/TO	MILES
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MILEAGE @ \_\_\_\_\_ CENTS PER MILE TOTAL MILES \_\_\_\_\_ MILES \$ \_\_\_\_\_  
 ATTACH ADDITIONAL SHEETS, IF NECESSARY. CETA \$ \_\_\_\_\_

TOTAL AMOUNT DUE \$ \_\_\_\_\_

I HEREBY CERTIFY THAT THE ABOVE SERVICES HAVE BEEN PERFORMED. \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

THE UNDERSIGNED HEREBY CERTIFIES THAT THE ABOVE SERVICES HAVE BEEN PERFORMED AND THAT NO OTHER REQUESTS FOR PAYMENT FOR THESE SERVICES HAS BEEN MADE.

\_\_\_\_\_  
 DISTRICT JUDGE (DISTRICT COURT SEAL)

\_\_\_\_\_  
 SIGNATURE OF CONSTABLE