

BUCKS COUNTY BAR ASSOCIATION



VIRTUAL BENCH BAR CONFERENCE - SEPTEMBER 2020

CRIMINAL LAW SECTION PRESENTATION

“COMMONWEALTH v. CHICKIN – A PENNSYLVANIA DUI LAW UPDATE”

Panelists: Hon. Wallace H. Bateman, Jr. Hon. Jeffrey L. Finley, Hon. Brian T. McGuffin

Moderator: Keith J. Bidlingmaier, Esq.

OUTLINE

1. Comm v. Chichkin 2020 PA Super 121
 - General Discussion of the case and reasoning that led to the Decision.
2. Sentencing for DUI Defendants:
 - How are we handling prior ARD participation?
 - Is this new conviction a first or second?
 - The Bucks County District Attorney's Office Position.
3. Retroactivity and Chickin
4. Effect on the ARD Program at present in Bucks County and elsewhere:
 - A. New Stipulation and Waiver forms for DUI and Retail Theft cases.
When and how can they be used against Defendants?
 - B. New Colloquy from District Attorney's Office to be recited at ARD Hearings.
 - C. Prosecutor's Discretion in ARD matters.
 - May a prosecutor deny ARD if a Defendant does not admit guilt?
 - D. PA. R. C. P. Rules 312 and 313 Regarding ARD Hearings.
 - Should a Defendant's admission of guilt be admissible to prove the prior offense in a prosecution for a second offense?
5. Notice Requirements/Jury Trials/Severance
 - Chichkin/Alleyne /Apprendi Issues for DUI matters moving forward.

SEMINAR MATERIALS will be Posted on BCBA Website at

<https://bucksbar.org/bench-bar-2020/>