

address the bench warrant issue at a detention hearing. Mr. Fox also stated that his records indicated that notice of the dispositional hearing had been sent to the juvenile by regular mail; that the juvenile had resided at the same address for some time; and that the mail had not been returned as undelivered. However, Mr. Fox further stated that the juvenile did not have a history of failing to appearing for scheduled proceedings.

6. The undersigned then contacted the juvenile who requested that counsel attempt to have the bench warrant lifted based on the allegation that he did not receive notice of the hearing. The instant motion followed.

7. The above-named juvenile believes and avers that, because he did not receive notice of the scheduled hearing, the warrant for his arrest should not be executed.

WHEREFORE, the above-named juvenile requests that this Honorable Court convene a hearing to determine if the warrant issued for his arrest should be lifted, and, pending that hearing, that execution of the warrant be held in abeyance.

Respectfully submitted,

Ines M. Massella
Assistant Public Defender

IN THE INTEREST OF : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
CURTIS JONES, : JUVENILE DIVISION
: :
: :
A MINOR : DOCKET NO. 777 of 2004

ORDER

AND NOW, this _____ day of July, 2004, it is hereby ORDERER that a rule is issued against the Commonwealth to determine why the relief requested in the foregoing Motion should not be granted. Said rule returnable the _____ day of _____, 1004, at _____, ____ M., in CourtRoom _____, of the Erie County Court House, 140 West Sixth Street, Erie, Pennsylvania.

Pending hearing on the rule to show cause, execution of the bench warrant for the arrest of the above-named juvenile shall be held in abeyance.

BY THE COURT:

Michael M. Palmisano, P.J.