

TO THE DEFENDANT:
PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
vs.	:	No.:
	:	OTN No.:
	:	

APPELATE RIGHTS OF DEFENDANT AFTER SENTENCING

(Guilty Plea or Nolo Contendere Plea)

1. After you are sentenced, you have the right to file either a Post-sentence Motion in this Court or an Appeal to the Superior Court of Pennsylvania.
2. If you wish to file a Post-Sentence Motion, it must be filed with the Criminal Clerk of Courts of Crawford County no later than ten (10) days after the imposition of sentence.
3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts of Crawford County, within thirty (30) days from when you are sentenced. You can file this Appeal without filing a Post-Sentence Motion in this Court. If you do file a Post-Sentence Motion in this Court, you also have the right to appeal from an order deciding that motion on the merits, or, if the Court does not decide that Motion within 120 days (or 150 days upon your motion to extend that time by thirty (30) days) from when it is filed. If the Court does not decide that Motion within that 120 day (or 150 day, if extended) time period, the Appeal must be filed within thirty (30) days from when the Clerk of Courts enters an Order denying the Motion by operation of law because the judge has failed to decide the Motion.
4. If you file a Post-sentence Motion in this Court, your requests for relief must be stated with specificity and particularity in one Motion, which may include:
 - a. a Motion challenging the validity of your plea of guilty or nolo contendere, or the denial of a Motion to Withdraw a plea of Guilty or Nolo Contendere;
 - b. a Motion to Modify Sentence;
5. If you file a Post-sentence Motion in this Court, as well as any supplemental motion that the Court allows you to file, the Motion must be decided within 120 days from when you file it, although

the judge, at your request, may grant one thirty (30) day extension for deciding the Motion, if good cause is shown. If the judge does not decide the Motion within the time period allowed, the Clerk of Courts will enter an Order denying the Motion.

6. If you file a Post-sentence Motion, and wish to appeal from this Court's order, you must do so within thirty (30) days from when that Motion is decided or denied.

7. Since you have entered a plea or nolo contendere plea, your Appeal to the Superior Court would be limited to the following four areas:

- a. your plea of guilty or nolo conendere was unlawfully induced and was not voluntarily and understandingly made by you;
- b. your sentence was illegal;
- c. the lower court did not have jurisdiction in your case;
- d. your attorney was ineffective in representing you.

8. Whether or not you file a Post-sentence Motion, all issues raised before or during trial are preserved for appeal except if you wish to claim the Court abused its discretion in sentencing you. That issue must be raised in a Post-Sentence Motion before the trial judge before it can be raised on appeal to the Superior Court.

9. You have the right to assistance of counsel in the preparation of a Post-sentence Motion in the Appeal you file. If you are unable to afford an attorney, you have the right to the assistance of counsel, free of charge through the Public Defender's Office throughout the appeal process. If you challenge the effectiveness of your attorney and cannot afford a new attorney, a new attorney will be appointed to represent you.

10. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-sentence Motion and, if that is not successful, an appeal or, when no Post-Sentence Motion is filed, that you file an Appeal within the thirty (30) day time period permitted by law..

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: _____

Signature of Defendant

I, _____, Esquire, Attorney for _____

Date: _____

Attorney for the Defendant