

Defendant:

Please read and then review this document with your attorney, and ask your attorney or the Judge to explain anything you do not understand.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

v. :

No. CR _____ – 20_____

_____,
Defendant :

APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING

(After Trial)

1. After you are sentenced, you have the right to file a post-sentence motion in this Court and/or an appeal to the Superior Court of Pennsylvania.
2. You do not need to file a post-sentence motion to preserve, on an appeal, issues that were raised at or before sentencing.
3. If you wish to file a post-sentence motion, it must be filed with the Clerk of Courts no later than **10** days after the day that you are sentenced.
 - a. A post-sentence motion must be stated with specificity and particularity, and may include a motion **i)** for judgment of acquittal, **ii)** in arrest of judgment, **iii)** for a new trial, and/or **iv)** to modify sentence.
 - b. The Judge has 120 days to decide the post-sentence motion after it is filed (or 150 days, if you have filed a motion showing good cause for a 30-day extension). If the Judge does not decide the post-sentence motion within that time, then it is deemed to be denied by operation of law, and the Clerk of Courts will enter an order to that effect.
 - c. The Judge may permit you to file a supplemental post-sentence motion if the post-sentence motion has not already been decided, or deemed denied.

4. If you wish to appeal your judgment of sentence, and have timely filed a post-sentence motion, you must file a notice of appeal with the Clerk the Courts no later than **30** days after the entry of the order **i)** in which the post-sentence motion is decided, or is deemed denied by operation of law, or **ii)** in which the withdrawal of the post-sentence motion is memorialized, if the post-sentence motion has been withdrawn.
5. If you wish to appeal your judgment of sentence you **and do not timely file a post-sentence motion**, then you must file a notice of appeal with the Clerk of Courts within **30** days of the day that you are sentenced.
Exception: If the Commonwealth filed a motion for sentence modification within 10 days of the day you are sentenced, then your notice of appeal must be filed no later than **30** days after the entry of the order disposing of the Commonwealth's motion.
6. You have the right to assistance of counsel in the preparation of a post-sentence motion and/or an appeal. If you are indigent, you have the right to proceed *in forma pauperis* and with appointed counsel, and if not indigent, you have the right to proceed with retained counsel unless the Judge has granted counsel leave to withdraw.
7. You have a qualified right to bail under Pennsylvania Rule of Criminal Procedure 521(B).

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: _____
_____ Defendant's Signature

I, _____, Esquire, sentencing counsel, state
1) that I have advised my client of the meaning of this document and of their post-sentence and appellate rights as required by Pa.R.Crim.P. 704, and
2) that it is my belief that the Defendant comprehends and understand those rights and what is set forth herein, and 3) that the Defendant has received a copy of this document.

Date: _____
_____ Defense Counsel