

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: OF THE 26TH JUDICIAL DISTRICT
Vs. : COLUMBIA COUNTY BRANCH
: CRIMINAL DIVISION
:
: NO: _____

_____,
Defendant

Post Sentencing Procedures
(use when Defendant has entered a plea of guilty/no contest)

Defendant's Acknowledgment of Post Sentencing Procedures

Instructions:

All Defendants with their Counsel must review and sign this form if they have entered a plea of guilty or of no contest. The form must be reviewed, each page initialed and presented at the time of sentencing.

I. Post Sentence Motion Addressed to the Sentencing Court

It is not necessary to first file a Post Sentencing Motion with the sentencing court in order to be able to appeal to a higher court. However, you have the right to file such a motion if you choose to do so. If you do file a Post Sentencing Motion with the sentencing court the following provisions apply:

- a. A Post Sentence Motion must be in writing.
- b. A Post Sentence Motion must be filed with the Clerk of Court for the County within ten (10) days of sentencing.
- c. A Post Sentencing Motion must state "with specificity and particularity" the grounds for the relief of requested which could include a Motion challenging the validity of a guilty or no contest plea, a Motion challenging the denial of a Motion to withdraw a plea of guilty or no contest, a Motion to Modify sentence, a Motion challenging the legality of the sentence, a Motion challenging the jurisdiction of Court.
- d. If you finally qualify, a Post Sentence Motion may be filed without payment of costs (In Forma Pauperis), and there is the same right to assigned counsel as has existed through sentencing.
- e. If a Post Sentence Motion is filed, the sentencing Court must render a decision on the Motion within 120 days (unless that deadline is extended by the Court for a maximum of 30 additional days on request of the defendant for good cause). If the decision on a Post Sentence Motion is not rendered within this time period, the Post Sentence Motion will automatically be denied and the sole potential remedy would be through appeal.
- f. If the maximum sentence is 2 years or longer, the filing of a Post Sentence Motion will ordinarily not delay commencement of sentence, although the judge does have discretion to allow bail pending appeal to a higher court. If the maximum sentence imposed is less than 2 years, the defendant has the same right to bail as before sentencing pending the outcome of any Post Sentence Motion or appeal.

Original – Court File
cc: Defendant, Defendant's Counsel

Initials: _____

II. Appeal to Higher Court

- a. Appeals to a higher Court following the imposition of a sentence are taken to the Pennsylvania Superior Court (except in capital cases where the appeal is taken directly to the Pennsylvania Supreme Court). The appeal is initiated by the filing of a Notice of Appeal with the Clerk of Court at the County Courthouse, with notice to the Trial Judge, the Court Reporter, and the Prosecutor.
- b. If a Post Sentence Motion was filed, the appeal to the higher Court cannot be commenced until disposition of the Post Sentence Motion. This would occur when the trial judge rules on the Motion, or when the Motion has been automatically denied because the trial judge did not rule on the Motion within the time limits described above. The Notice of Appeal must be filed within thirty (30) days of the disposition of the Post Trial Motions.
- c. If no Post Sentence Motion was filed, the Notice of Appeal must be filed within thirty (30) days of the date of sentencing.
- d. Issues which can be raised on appeal include: Whether the sentencing Court abused its discretion in imposing the sentence; whether the trial Court erred in the denial of any Motion to withdraw a plea of guilty or no contest; error in disposing of a Motion to modify sentence; or a challenge to the legality of the sentence or to the jurisdiction of the Court.
- e. It is not necessary that issues raised on appeal were also raised in a Post Sentence Motion, so long as they were preserved by Motion or objection before or during the sentencing hearing; however, challenges to the legality of the sentencing or the jurisdiction of the Court may be raised at any time.
- f. If you financially qualify, an appeal may be filed without the payment of costs (In Forma Pauperis), and there is the same right to assigned Counsel as existed through sentencing.
- g. If the maximum sentence is 2 years or longer, the filing of an appeal to a higher Court will ordinarily not delay a commencement of sentence, although the Court does have discretion to allow bail pending appeal. If the maximum sentence imposed is less than 2 years, the defendant has the same right to bail as before verdict pending the outcome of any appeal.

I acknowledge receiving a copy of the document consisting of 2 pages and have read it.

Date: _____

Defendant: _____

I have reviewed the above procedures with my client and have assured myself that he/she understands these Post Sentence Procedures.

Date: _____

Attorney for Defendant: _____