

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CRIMINAL**

COMMONWEALTH OF PENNSYLVANIA

NO. _____

V.

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STATEMENT OF POST-SENTENCE RIGHTS

- ___ 1. I am able to speak, read, write and understand the English language and I am not now under the influence of any drugs, alcohol or any other substance nor do I have any physical, emotional or mental problem which affects my ability to understand the post-sentence rights contained in this document.
- ___ 2. By placing my initials on the line provided next to each of the paragraphs in this document, I agree that I have read, understand and my lawyer has explained to my satisfaction the content and meaning of each paragraph.
- ___ 3. I have the right to file a Post-Sentence Motion with this Court. I must file a Post-Sentence Motion if I was convicted at trial and I am claiming that the guilty verdict was against the weight of the evidence unless I have made an oral motion for a new trial or filed a written motion for a new trial based upon this specific claim before Sentencing. If I fail to do so, I will forever give up or lose my right to appeal to a higher court on the grounds that the guilty verdict was against the weight of the evidence.
- ___ 4. Except as stated in Paragraph 3, I do not have to file a Post Sentence Motion with this Court. Instead, I may appeal directly to a higher court, or I may do both. The relief requested in my Post-Sentence Motion and/or appeal to a higher court may be based upon any issue which was preserved by motion or objection before trial, during trial or at sentencing.
- ___ 5. Except as stated in Paragraph 3, if I file a Post-Sentence Motion with the Court, it is not necessary that I include all of the issues I may wish to raise in an appeal to a higher court. I can raise a limited number of issues in my Post-Sentence Motion and/or other properly preserved issues.
- ___ 6. If I file a Post-Sentence Motion with this Court, it must be in writing and be filed with the Delaware County Office of Judicial Support within 10 days of the date I am sentenced.
- ___ 7. This Post-Sentence Motion must state the specific relief requested, the specific issues to be considered and the specific reasons or grounds for the relief requested.
- ___ 8. If I pled guilty or nolo contendere, this Post-Sentence Motion may include: a motion challenging the jurisdiction of the court; a motion challenging the legality of the sentence; a motion asking that the sentence imposed be changed; a motion asking that I be permitted to take back my plea(s) because it (they) was (were) not voluntarily, knowingly and intelligently entered; a motion challenging the pre-sentence denial of my motion to take back my plea(s).
- ___ 9. If I was convicted at a trial, this Post-Sentence Motion may include: a motion challenging the jurisdiction of the court; a motion challenging the legality of the sentence; a motion asking that the sentence imposed be changed; a motion for judgment of acquittal; a motion in arrest of judgment; a motion for a new trial.
- ___ 10. If I file a Post-Sentence Motion, unless the death penalty has been imposed, this Court must decide it within 120 days of the date it is filed, unless this Court extends the deadline for up to 30 additional days at my request for good cause. If this Court does not decide my Post-Sentence Motion within this time period, it will be considered denied by operation of law.

- ___ 11. If I file a Post-Sentence Motion, after it is decided I have the right to appeal to the Pennsylvania Superior Court; or the Pennsylvania Supreme Court if the death penalty was imposed. This appeal may include issues raised in my Post-Sentence Motion and/or other properly preserved issues. If I decide to appeal, a written Notice of Appeal must be filed with the Delaware County Office of Judicial Support within 30 days of the date the Order deciding my Post-Sentence Motion is mailed to me and my attorney. If I fail to do so, I will forever give up or lose my right to appeal to a higher court.
- ___ 12. The address stated below is the address to which the Order deciding my Post-Sentence Motion should be sent and where it will be received by me. If I believe that this Order will no longer reach me at this address, I must immediately give written notice of any change of address to the Criminal Docket Clerk, Delaware County Office of Judicial Support. If I fail to do so, the Order deciding my Post-Sentence Motion may not reach me and I may be prevented from filing a timely appeal to a higher court.
- ___ 13. If I choose to appeal directly to a higher court, either the Pennsylvania Superior Court, or the Pennsylvania Supreme Court if the death penalty was imposed, I may raise all properly preserved issues which may include all of the motions stated in either Paragraph (8) or in Paragraph (9). In order to appeal directly to a higher court, I must file a written Notice of Appeal with the Delaware County Office of Judicial Support within thirty (30) days of the date I am sentenced unless the Commonwealth files a Post-Sentence Motion to modify the sentence imposed. If the Commonwealth files that motion, I must file the Notice of Appeal within thirty (30) days of the date the Order deciding the Commonwealth's motion is mailed to me and my attorney. If I fail to file a Notice of Appeal within the time required, I will forever give up or lose my right to appeal to a higher court.
- ___ 14. If I decide to file a Post-Sentence Motion and/or appeal to a higher court, I have the right to be represented by an attorney and if I cannot afford an attorney, upon my timely request to this Court, one will be provided to me free of charge at no cost or expense to me and I will not be required to pay any costs normally associated with a Post-Sentence Motion and/or appeal.
- ___ 15. Except where the death penalty or life imprisonment has been imposed, I have a qualified right to bail pending the decision on my Post-Sentence Motion and/or appeal to a higher court. Any such bail is conditioned upon my filing a Post-Sentence Motion and appeal to a higher court, or if no Post-Sentence Motion is filed, an appeal to a higher court.

DATE

SIGNATURE OF DEFENDANT

ADDRESS OF DEFENDANT (*Please print*): _____

STATEMENT OF DEFENDANT'S ATTORNEY

I represent the Defendant in the above-captioned case. I have explained the Post-Sentence Rights contained in this document to the Defendant and I am satisfied that the Defendant understands these rights.

SIGNATURE OF ATTORNEY

ATTORNEY IDENTIFICATION NUMBER