

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

COMMONWEALTH OF PENNSYLVANIA : NO. \_\_\_\_\_  
: :  
VS : :  
: :  
\_\_\_\_\_ :

**STATEMENT OF POST-SENTENCE RIGHTS**

**ABILITY TO UNDERSTAND THIS DOCUMENT**

- \_\_\_ 1. I can speak, read, write, and understand the English language.
- \_\_\_ 2. I am not under the influence of any drugs, alcohol, or any other substance that is affecting my ability to understand the post-sentence rights contained in this document.
- \_\_\_ 3. I do not have any physical, emotional, or mental problems that affect my ability to understand the post-sentence rights contained in this document.
- \_\_\_ 4. By placing my initials on the line provided next to each of the paragraphs in this document, I agree that I have read and understood this document. My lawyer has explained to my satisfaction the content and meaning of each paragraph.

**TIME LIMITS FOR A "WEIGHT OF THE EVIDENCE" AND DISCRETIONARY ASPECTS OF SENTENCE CLAIM**

- \_\_\_ 5. I have the right to file a Post-Sentence Motion with this Court. I must file a Post-Sentence Motion if I am challenging the discretionary aspects of the sentence the Court imposed or 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).
- \_\_\_ 6. If I fail to do so, I can 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 or a challenge to discretionary aspects of my sentence.
- \_\_\_ 7. If I file a Post-Sentence Motion with this Court, it must be in writing and be filed with the Lycoming Court Prothonotary Office **within 10 days of the date I am sentenced.**

**PURPOSE OF A POST-SENTENCE MOTION**

- \_\_\_ 8. Except as stated in Paragraph 5, 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 properly preserved by motion or objection before trial, during trial, or at sentencing.
- \_\_\_ 9. Except as stated in Paragraph 5, 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.
- \_\_\_ 10. The Post-Sentence Motion must state the specific relief requested, the specific issues to be considered, and the specific reasons or grounds for the relief request
- \_\_\_ 11. If I was convicted at trial, this Post-Sentence Motion may include (but is not limited to): 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; and/or a motion for a new trial.

\_\_\_\_ 12. If I file a Post-Sentence Motion, this Court must decide the motion within 120 days of the date it is filed, unless this Court extends the deadline for up to 30 additional days at **my or my attorney's 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.

**DIRECT APPEAL TO A HIGHER COURT**

\_\_\_\_ 13. I have the right to appeal to the Pennsylvania Superior Court. This appeal may include issues raised in my Post-Sentence Motion and/or other properly preserved issues.

\_\_\_\_ 14. If I decide to appeal, a written Notice of Appeal must be filed with the **Lycoming County Prothonotary Office** **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 may forever give up or lose my right to appeal to a higher court.

\_\_\_\_ 15. 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 Lycoming County Prothonotary Office**. If I fail to do so, the Order deciding my Post-Sentence Motion may not reach me and I may be prevented from a filing a timely appeal to a higher court.

\_\_\_\_ 16. 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 the motions stated in either Paragraph (8) or in Paragraph (9).

\_\_\_\_ 17. If I do not file a Post-Sentence Motion but wish to appeal directly to a higher court, I must file a written Notice of Appeal with **the Lycoming County Prothonotary Office** 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.

\_\_\_\_ 18. 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.

\_\_\_\_ 19. 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