

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 CARBON COUNTY
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

v.

CP-13-CR- _____ - _____

APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING

1. After you are sentenced, you have the right to file either a post-sentence motion 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 Carbon 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 Criminal Clerk of Courts of Carbon County, within thirty (30) days of imposition of sentence. This is a right of appeal, which you may exercise without filing a post-sentence motion. If you file a post-sentence motion, you would also have a right to appeal from an order deciding that motion or denying the motion by operation of law.
4. If you file a post-sentence motion, all requests for relief must be stated with specificity and particularity, and consolidated in the motion, which may include:
 - a. A motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a motion to withdraw a plea of guilty or nolo contendere;
 - b. A motion of judgment of acquittal;
 - c. A motion in arrest of judgment;
 - d. A motion for a new trial; and/or
 - e. A motion to modify sentence.

5. If you file a post-sentence motion, it and any supplemental motion you may be permitted to file, must be decided by the judge within 120 days of the filing of the original motion. The judge may, at your request, grant one 30-day extension for deciding the motion, if good cause is shown. If the judge fails to decide the motion within the allowed time, the motion will be denied by operation of law, and the clerk will enter an order denying the motion.
6. If you file a post-sentence motion, and wish to appeal from the order deciding or denying the motion, a notice of appeal must be filed with the Criminal Clerk of Courts of Carbon County within thirty (30) days of that order.
7. Whether or not you file a post-sentence motion, all issues raised before or during trial are preserved for appeal.
8. You have the right to assistance of counsel in the preparation of a post-sentence motion or any appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.
9. 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 perfect an appeal, or, when no post-sentence motion is filed, perfect an appeal with the time 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.

Defendant

Date

I, _____ Esquire, Attorney for _____,
state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa.R.Crim.P. 704; that it is my belief that the Defendant comprehends and understands those rights and what is set forth herein, and that Defendant has received a copy of this form.

Attorney for the Defendant

Date