

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS  
 :  
VS. : CHESTER COUNTY, PENNSYLVANIA  
 :  
 : CRIMINAL ACTION  
 :  
 : NO.  
 :  
 : OTN.

POST-SENTENCE COLLOQUY

Defendant's Acknowledgment of Post Sentence Procedures:

I. Optional Post Sentence. Motion addressed to trial court.

It is not necessary to first file a Post sentence Motion with the trial 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 Sentence Motion with the trial 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 of the County within ten (10) days of sentencing.
- (c) A post sentence motion must state “with the specificity and particularity” the relief requested. The relief could include a request for judgment and acquittal, for arrest of judgment, for a new trial, and/or for modification of sentence.
- (d) The relief requested may be based on any issue which was preserved by motion or objection before trial, during trial or at the sentencing hearing.
- (e) It is not necessary to include in a post sentence motion all the issues you may wish to raise on appeal to a higher court. (For example, if five issues have been preserved by motion or objection, one of those issues could be raised in a post sentence motion and then if there is a later appeal, all five issues could be raised on appeal.)
- (f) If you financially 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.
- (g) If a post sentence motion is filed, the trial judge must render a decision on the motion within 120 days (unless that deadline is extended by the Court for a maximum of 30 additional dates on request of the defendant and 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 to a higher court.

(h) 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 verdict pending the outcome of any post sentence motion or appeal to a higher court.

## II. Appeal to a 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 the Court at the County Court House, 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 occurs when the trial judge rules on the motion, or when the motion as 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) Any issue can be raised on appeal which has been preserved by motion or objection before trial, during trial or at the sentencing hearing.

(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 trial, during trial or at the sentencing hearing.

(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 to a higher court. 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 to a higher court.

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

\_\_\_\_\_(Defendant)

I have reviewed the above procedures with my client and have assured myself that he/she understands these post sentence procedures.

\_\_\_\_\_(Attorney for Defendant)