

IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 vs. : No. CP-03-CR-0000 _____-20____
 :
 :
 _____ :

DEFENDANT'S POST-SENTENCE RIGHTS

1. You have the right to an attorney to help prepare and file any post-sentence motion or appeal. You have the right to proceed with presently assigned counsel. If you cannot afford an attorney, on your request, the Court will appoint an attorney free of charge. You also have the right if indigent to proceed in *forma pauperis* [Pa.R.Crim.P. 704(C) (3) (a) (b)]

2. Within 10 days from today you have the right to file a written post-sentence motion. It may include:

(a) a motion to challenge the validity of your plea of guilty or *nolo contendere*, or the denial of a motion to withdraw such a plea;

(b) a motion for judgment of acquittal;

(c) a motion in arrest of judgment;

(d) a motion for new trial; or

(e) a motion to modify your sentence.

[Pa.R.Crim.P. 704(C) (3) (a), 720(A) (1), (B) (1) (a)]

3. A post-sentence motion filed with this court must be decided within 120 days. If the judge fails to do so, the motion is deemed to be denied. [Pa.R.Crim.P. 704(C) (3) (c), 720(B) (3) (a)]

4. The issues raised before or during trial are deemed preserved for appeal whether or not you file a post-sentence motion. [Pa.R.Crim.P. 704(C) (3) (d)] Therefore, you may file an appeal to the Superior Court without first filing a post-sentence motion.

5. You have the right to appeal to the Pennsylvania Superior Court within 30 days from today or within 30 days of the denial by this Court of any post-sentence motion. [Pa.R.Crim.P. 720(A)(2), (3)]

6. You may have a qualified right to bail under Pa.R.Crim.P. 4009(B). [Pa.R.Crim.P. 704(C)(3)(e)]

I have read this statement of my post-sentence rights. I understand them.

Date: _____

Signature

Defendant's Name (Please Print)