

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No. _____ of 201__

STATEMENT OF RIGHTS FOLLOWING SENTENCE

TO THE DEFENDANT:

1. You have the right to file a post-sentence motion. Such request must be in writing and must set forth in detail and with particularity all of your requests for relief, which may only 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 for 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.

Such motion must be filed with the Clerk of Courts within ten (10) days of today, the date of your sentence, or you will lose your right to claim such relief. Do you understand this?

YES ___ NO ___

2. You may also file a supplemental post-sentence motion, but only if you first ask the Court for permission and the Court authorizes you to do so. Do you understand this?

YES ___ NO ___

3. All issues raised and all requests for relief made by you or your attorney before or during trial are preserved for any appeal you may file with Superior Court even if you do not file a post-sentence motion. Do you understand this?

YES ___ NO ___

4. Only claims raised in this Court can be raised on appeal. You have a right to appeal your case to the Superior Court of Pennsylvania. If you do not file a post-sentence motion, a notice of appeal must be filed with the Clerk of Courts within thirty (30) days of today. If you do file a post-sentence motion, a notice of appeal must be filed with the Clerk of Courts within thirty (30) days of the Court's decision on your motion, or if the Court fails to decide the motion, within thirty (30) days of the Clerk of Court's Order denying your motion. If you do not file a notice of appeal within the required period, you will lose your right to argue any claim except the legality of the sentence. Do you understand this?

YES ___ NO ___

5. You have a qualified right to bail under the provisions of Rule 4010B if you meet all of the conditions. Do you understand this?

YES ___ NO ___

6. You have the right to the assistance of an attorney to prepare and file any of the papers mentioned above who will do so upon your request. If you cannot afford to pay your attorney to prepare and file any of the papers mentioned above and you qualify as an indigent person, the Court will appoint an attorney to assist you free of charge. Do you understand this?

YES ___ NO ___

7. You are hereby notified that if your sentence includes incarceration in the Beaver County Jail, upon your entry into the Jail you will be required to provide a blood and/or urine sample and be given a drug and alcohol screen to test for the presence of drugs and/or alcohol. You are hereby notified that if you test positive for any drugs and/or alcohol for which you have no prescription, your eligibility to participate in (a) the Work Release Program, (b) the Intermediate Punishment Program and (c) your provision for Automatic Parole, if granted by the Sentencing Judge, will be automatically revoked by Order of Court without further notice to you. Do you understand this?

YES ___ NO ___

8. You are hereby notified that if your sentence includes the payment of restitution in an amount to be determined by the Adult Probation Department, the determination of the Adult Probation Department will be the final determination unless you request a Restitution Hearing before the Court within a reasonable time after notification of the determination by the Adult Probation Department. Do you understand this?

YES ___ NO ___

I acknowledge that I have read the foregoing Statement of Rights in its entirety, and I understand its full meaning and that my answers to the questions are truthful. I further affirm that my signature on this document is true and correct and that I have signed the same in the presence of my attorney.

Date

Defendant

I acknowledge that the Defendant has read the foregoing Statement of Rights and has signed the same in my presence; that I have explained these rights to the Defendant and that, so far as I am able to determine, the Defendant understands these rights.

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date

Attorney for the Defendant