



Wyoming County  
Prothonotary/Clerk of Courts  
Cindy L. Adams  
1 Courthouse Square  
Tunkhannock, Pennsylvania 18657  
(570)996-2232

### PROCEDURE FOR FILING A SUMMARY APPEAL

A Defendant who has been found guilty to a summary conviction, either traffic or non-traffic, at the District Magistrate, may file an appeal to the Court of Common Pleas. A Notice of Summary Appeal Form MUST be filed in the Clerk of Courts Office within 30 days of the date of the decision by the Magisterial District Court, which is usually the date of the hearing before the Magisterial District Judge. For assistance, see sample Notice of Summary Appeal Form. **\*PLEASE PRINT CLEARLY\***

1. There is a NON-REFUNDABLE filing fee of \$60.00 that must be paid at the time of filing the summary appeal. Payment can be made in the form of cash, check or money order. If you are unable to afford the Summary Appeal filing fee of \$60.00, the filing fee may be waived by Order of the Court of Common Pleas pending sufficient evidence of the inability to pay. To demonstrate inability to pay, defendants must complete an In Forma Pauperis Petition – In Forma Pauperis Petition. The Summary Appeal form must accommodate said Petition.
2. If you are appealing more than 1 Citation, list ALL Docket and Citation Numbers on **ONE** form only. Do not file multiple appeal forms.
3. You will need to file the original, plus five (5) copies of the Notice of Summary Conviction Appeal Form either by mail or in person. If you are granted In Forma Pauperis and the \$60.00 filing fee is waived, you have thirty (30) days from the date of the Order to file the original and five (5) copies of the Appeal.
4. If the Court denies the In Forma Pauperis Petition and declines to waive the \$60.00 filing fee and you wish to proceed with the Summary Appeal filing, you must complete and file the original and five (5) copies of the Notice of Summary Conviction Appeal Form within thirty (30) days of the Order denying the In Forma Pauperis Petition and remit the filing fee.
5. The Clerk of Courts Office will serve the additional copies you provide to the Affiant (arresting officer/agency), the Magistrate, Court Administrator and the District Attorney. The 5<sup>th</sup> copy will be returned to you.

6. If more than thirty (30) days has passed since the date of disposition by the District Court, a Petition for Leave to File Summary Appeal Nunc Pro Tunc may be filed explaining why you were unable to timely file a summary appeal. The purpose of the petition is to request that the court grant you permission to file a late appeal. The Petition will be brought before the Judge for a hearing. If granted, a summary appeal may be filed in the Clerk of Court's Office. If denied, the conviction imposed by the District Court will be re-imposed along with court costs and fees.

7. If the summary offense conviction from which you are appealing involves a traffic violation for which your license may be suspended, you are required to send a certified copy of the time-stamped appeal to the PennDOT Correspondence Unit. Be sure to include an extra copy and this Office will certify the copy required by PennDOT to you when you file your appeal. Be sure to include a 6<sup>th</sup> copy as YOU ARE RESPONSIBLE for mailing the certified copy of your appeal to PennDOT. The mailing address for PennDOT is at the bottom of the appeal form. If you have questions regarding points or a possible license suspension, call PennDOT at 1-800-932-4600.

8. If you are found "Not Guilty" or charges are withdrawn or dismissed in the Court of Common Pleas, the filing fee payable to the Clerk of Court is not refundable. If found "not guilty", no court costs will be assessed. If you had paid monies to the District Court you will receive a refund within a few weeks of your hearing.

9. If you are found Guilty, you will be billed for any outstanding costs.

10. If you are found Guilty of vehicle code violations and fail to pay any Court ordered costs, your license may be suspended. NOTE: license suspensions appeals are not filed with the Clerk of Courts. They are filed with the Prothonotary's Office.

11. Should you choose to withdraw your summary appeal case prior to your scheduled hearing, you must complete a 'Withdrawal of Summary Appeal' Form, which can be obtained in the Clerk of Courts Office. There is a Ten (\$10.00) Dollar withdrawal fee.

12. Should you fail to appear for your scheduled Summary Appeal Hearing, a Twenty-Five (\$25.00) Dollar 'no show' fee will be added to your fines and costs.

**PLEASE NOTE:** The Clerk of Courts does not review appeal petitions for accuracy, nor can we assist in completing said form or offer any legal advice. Failure to submit proper paperwork may result in rejection of the petition.

\*You must notify the Clerk of Courts Office and the District Attorney's Office in writing if you move.

Commonwealth of Pennsylvania  
Court of Common Pleas  
County of Wyoming  
4th Judicial District



Notice of Appeal from Summary  
Criminal Conviction

Appellant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date: \_\_\_\_\_ Issuing Authority Docket  
Number: \_\_\_\_\_  
Citation No: \_\_\_\_\_  
Magisterial District No: \_\_\_\_\_  
44-3-02 Smith; 44-3-04 Plummer

A sentence of \_\_\_\_\_ was imposed on: \_\_\_\_\_. Offense(s) of which convicted: \_\_\_\_\_  
Grounds relied upon for appeal (except when the appeal is from a guilty plea or a conviction): \_\_\_\_\_  
Date of entry of guilty plea, the conviction, or other final order from which appeal is taken: \_\_\_\_\_

Name and mailing address of affiant as  
show on citation or complaint:  
Affiant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

If sentence includes fines, costs or restitution,  
amount paid, if any: \_\_\_\_\_  
Type or amount of bail or collateral furnished to  
issuing authority, if any: \_\_\_\_\_

Name and mailing address of issuing authority:  
Issuing Authority: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No: \_\_\_\_\_

Name and address of attorney filing notice of appeal:  
Attorney Signature: \_\_\_\_\_  
Attorney Name (Printed): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
Supreme Court ID Number: \_\_\_\_\_

Must be filed in our office within 30 days from the date of sentencing by the Magistrate, along with \$50.00 (non-refundable) filing fee.

Make check payable to: Clerk of Courts  
One Courthouse Square  
Tunkhannock, PA 18657

**NOTICE TO DEFENDANT:**

If your appeal is from a motor vehicle conviction other than parking, have the clerk of courts certify this copy and mail to the following address:

**PennDOT  
Correspondence Unit  
PO Box 68618  
Harrisburg, PA 17106**

I hereby certify that an appeal has been filed in the above-captioned case.

Copies to: \_\_\_\_\_ Defendant, \_\_\_\_\_ District Judge, \_\_\_\_\_ District Attorney, \_\_\_\_\_ Affiant  
\_\_\_\_\_ Crt. Administration, \_\_\_\_\_ Dept. of Transportation (if necessary)

\_\_\_\_\_  
Clerk of Courts

# Sample

Commonwealth of Pennsylvania  
Court of Common Pleas  
County of \_\_\_\_\_  
Fifteenth Judicial District



## Notice of Appeal from Summary Criminal Conviction

Name and Address of Appellant/Defendant:

Your Name \_\_\_\_\_

Your Address \_\_\_\_\_

Your City and State \_\_\_\_\_

Phone Number: Your Phone Number \_\_\_\_\_

Date: Today's Date \_\_\_\_\_

Issuing Authority Docket No: From Original Citation \_\_\_\_\_

Citation No: From Original Citation \_\_\_\_\_

Magisterial District No: .0 (From Original Citation) \_\_\_\_\_

A sentence of \_\_\_\_\_ Total of fines, costs, and restitution \_\_\_\_\_ was imposed  
on: Date of Sentence \_\_\_\_\_ Offense(s) of which convicted: Example: Reckless Driving, Speeding, etc.  
(at Magisterial Court) \_\_\_\_\_

Date of entry of guilty plea, the conviction, or other final order from which appeal is taken: \_\_\_\_\_

Name and mailing address of affiant as shown on citation  
or complaint:

Officer's Name as shown on Citation \_\_\_\_\_

Name of Police Department \_\_\_\_\_

Address of Police Department \_\_\_\_\_

Zip: \_\_\_\_\_

If sentence includes fines, costs or restitution,  
amount paid, if any: \*BAIL OR FINES AT MAGISTERIAL  
DISTRICT COURT - INCLUDE AMOUNT PAID\* \_\_\_\_\_

Type or amount of bail or collateral furnished to issuing  
authority, if any: \_\_\_\_\_

Name and mailing address of issuing authority:

Magisterial District Justice Name \_\_\_\_\_

Address of Magisterial District Court \_\_\_\_\_

City and State \_\_\_\_\_

Zip: \_\_\_\_\_ Phone No: \_\_\_\_\_

Name and address of attorney filing notice of appeal:

(signature) \_\_\_\_\_ If no attorney enter N/A and sign here

(printed name) \_\_\_\_\_

Zip: \_\_\_\_\_

Supreme Court ID No: \_\_\_\_\_

Phone No: \_\_\_\_\_

### NOTICE TO DEFENDANT:

If your appeal is from a motor vehicle conviction other than parking, have the clerk of courts certify this copy and mail to the  
following address:

PA Dept. of Transportation  
P.O. Box 68618  
Correspondence Unit  
Harrisburg, PA 17106-8616

I hereby certify that an appeal has been filed in the above-captioned case.

\_\_\_\_\_  
Deputy Clerk of Courts

Copies to: \_\_\_\_\_ Defendant, \_\_\_\_\_ District Judge, \_\_\_\_\_ District Attorney, \_\_\_\_\_ Affiant  
\_\_\_\_\_ Crt. Administration, \_\_\_\_\_ Dept. of Transportation (if necessary)

# Instructions

Commonwealth of  
Pennsylvania Court of Common  
Pleas County of Wyoming  
4th Judicial District



## Notice of Appeal from Summary Criminal Conviction

### Information All Found on Magistrate Paperwork

Appellant Name: Name & Address of Person Filing Appeal  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_

Today's Date: \_\_\_\_\_ Issuing Authority Docket  
Number: \_\_\_\_\_  
Citation No: From Original Citation  
Magisterial District No: \_\_\_\_\_  
44-3-02 Smith; 44-3-04 Plummer

### Fines, Costs, Jail, Etc.

### Date of Sentence by MDJ

### What were you charged with?

A sentence of \_\_\_\_\_ was imposed on: \_\_\_\_\_. Offense(s) of which convicted: \_\_\_\_\_  
Grounds relied upon for appeal (except when the appeal is from a guilty plea or a conviction): \_\_\_\_\_

### Date of Sentence by MDJ

Date of entry of guilty plea, the conviction, or other final order from which appeal is taken: \_\_\_\_\_

Name and mailing address of affiant as show on  
citation or complaint:

Affiant Name: Name & Address of Trooper or Officer on Citation  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

If sentence includes fines, costs or restitution,  
amount paid, if any: \*Ball or fines at maglsterial district &  
court include amount paid

Type or amount of bail or collateral furnished to  
issuing authority, if any:

Name and mailing address of issuing authority:

Issuing Authority: Name & Address of Magistrate  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No: \_\_\_\_\_

### Name & Address of Attorney if you have one

Name and address of attorney filing notice of appeal:  
Attorney Signature: If pro se - sign here  
Attorney Name (Printed): \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
Supreme Court ID Number: \_\_\_\_\_

**Must be filed in our office within 30 days from the date of sentencing by the Magistrate, along with \$40.00 (non-refundable)  
filing fee. Make check payable to:**

**Clerk of Courts  
One Courthouse Square  
Tunkhannock, PA 18657**

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and mail to the following address:

**PennDOT  
Correspondence  
Unit PO Box 68618  
Harrisburg, PA 17106**

I hereby certify that an appeal has been filed in the above-captioned case.

\_\_\_\_\_  
Clerk of Courts

Original clerk of courts \_\_\_\_\_  
1 Copy to magistrate \_\_\_\_\_

1 Copy to DA \_\_\_\_\_  
1 Copy to affiant \_\_\_\_\_

Copy to Judge \_\_\_\_\_