



**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 \$50.00 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 \$50.00, 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 \$40.00 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 \$50.00 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 5th 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 6th 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.

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.