

HOW TO FILE A SUMMARY APPEAL

Court Self Help
Center



Lancaster County

Disclaimer

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not to be a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call the Lawyer Referral service at 393-0737.

SUMMARY APPEALS

FILING PROCEDURE:

1. Following a hearing on a Summary offense (a charge filed by Citation) before a Magisterial District Judge or the entry of a Guilty Plea, at that level, you may file a Summary Appeal to the Court of Common Pleas of Lancaster County in the Clerk of Courts Office. This Appeal must be filed within thirty (30) days of the entry of a conviction, whether by paying the ticket or by finding of guilt after a hearing. The thirty (30) days includes Saturdays, Sundays and Holidays, unless the deadline falls on one of those days in which case, the deadline is the next business day. The Clerk of Courts will accept the Appeal but does not have the authority to decide if it has been timely filed. The Summary Appeal will be clocked in, numbered and a copy returned to you with your receipt. You are requesting a Hearing De Novo, which means that a hearing will be held as if no action was taken at the Magisterial District Judge level.

2. A blank Summary Appeal form is included in this packet. To file your appeal, you must properly complete the Summary appeal form and as previously stated, submit it to the Clerk of Courts Office. For each submitted appeal form, there is a \$45.00 NON-RETURNABLE FILING FEE. The filing fee must be paid in cash or by cashiers check or money order at the time of submission to the clerk of courts. **No personal checks are accepted.**

To complete the Appeal form you will largely use information on the issued Citation you received at the time of the alleged offense. The following is clarification of other requested information on the form . . .

“Appeal from sentence of . . . (enter sentence rendered by Magisterial District Judge).”

“Affiant” is the arresting officer.

“Issuing authority” is the Magisterial District Judge.

Enter “Attorney” information only if you decide to hire a defense attorney.

Please **PRINT LEGIBLY** or type requested information.

3. If one defendant has one or more Citations heard and one hearing before a Magisterial District Judge, the Citations may be submitted on one form. If there are two different defendants with two different Citations heard at one hearing before a Magisterial District Judge, they must be submitted on separate forms. If there are two different defendants on one Citation heard at one hearing before a Magisterial District Judge, please check with the Clerk before filling out the Appeal form. Make Money Orders payable to the Clerk of Court and send with the Appeal form to Clerk of Courts Office, P.O. Box 83480, 50 North Duke Street, Lancaster, PA 17608-3480. Alternatively, the Appeal can be filed in person at the Clerk of Courts Office located on the second floor of the Courthouse at 50 North Duke Street, Lancaster, PA. The Appeal will be clocked-in at that time.

HEARING PROCEDURE:

1. Hearing dates are set by the District Attorney's office. A Notice of a hearing date will be mailed to you at your residence. Hearings are held on the 3rd and 4th floors of the Lancaster County Courthouse at 50 North Duke Street, Lancaster, PA. A Summary Appeal is a trial in a court of law. As such, this proceeding should be taken seriously and all parties, court personnel and the judge should be treated with respect. Proper attire should be worn to court and the judge should be addressed as "Your Honor." The officer who issued you a citation may be present to give testimony and you will have the opportunity to cross-examine the officer and any other witnesses, as well as to present testimony and evidence that the Court feels is relevant. You should arrange to be away from home, work, your children, etc. for the entire morning or afternoon. It is strongly suggested that small children not be brought to the courtroom, as disruptive children will be removed. You can find out what courtroom the hearing will be held by contacting the Court Administration Office the morning of the hearing and asking for the summary appeals courtroom. Upon entering the courthouse, you should proceed to the courtroom and check in with either the assistant district attorney handling the list of cases for that morning or afternoon or one of the bailiffs assigned to that courtroom.

2. You should be prepared with all the relevant paperwork and witnesses that you may need to call in your case. There will be a district attorney representing the Commonwealth on the other side at the hearing. The district attorney will be familiar with the rules of evidence and you may need an attorney to help you have your documents accepted in evidence and reviewed by the Judge.

3. If for any reason you are unable to attend your Summary Appeal Hearing on the date scheduled, you must request a "Court Continuance". Please refer to the Continuance Procedure handout. If you fail to appear at your summary appeal hearing and no continuance was granted by the judge, your appeal will be dismissed and the decision of the Magisterial District Judge will stand or a Bench Warrant could be issued.

FINES AND COSTS:

If you are found "Guilty" of the original or amended charge(s), at your Summary Appeal hearing, you may be required to pay additional fines and court costs. The minimum court costs are \$61.00 and may be more depending on the case.

If you are found "Guilty" at your Summary Appeal hearing but the Judge reduces your fine, and if the reduced fine and court costs are lower than any payments you previously paid on your account, the difference will be refunded to you by the Lancaster County Treasurer's Office. Likewise, if you are found "Not Guilty" at your Summary Appeal hearing and you already made payment(s) on your account either at the Magisterial District Judge level or at the County Treasurer's Office, those payments will be refunded to you by the Lancaster County Treasurer's Office.

Upon disposition of your appeal, you will be billed for your fines and costs, and a copy of the Sentencing Orders signed by the Common Pleas Judge will be mailed to you or to your attorney, if applicable. If you were found "Not Guilty", a copy of the Sentencing Order will be mailed to you or your attorney, if applicable.

SUMMARY APPEALS INVOLVING A LICENSE SUSPENSION:

If your Summary Appeal involves a PA Driver's License suspension and you wish to delay the license suspension for up to six months before your hearing, complete the attached application and send it to PENNDOT at the address shown on the application.

PLEASE NOTE THE FOLLOWING:

1. You must attach a **certified/time-stamped** copy of your Summary Appeal.
2. If you qualify for a suspension delay, your license suspension will be delayed only for 6 months.
3. This application form can be used only if your driver's license is in jeopardy of suspension, revocation or disqualification - **NOT** for removal of points, exams or hearings.

**REQUEST FOR DELAY OF SUSPENSION, REVOCATION
OR DISQUALIFICATION**

Pursuant to Act 48 of 1995 - Section 1555

Notice to PENNDOT of filing of Appeal from Summary Conviction

DATE _____

Name: _____

Driver's License: _____

CCP Case#: _____

This is to certify that I have filed an appeal from summary conviction with the Commonwealth of Pennsylvania, _____ County. Please delay my license suspension for six-months.

Signature: _____

Attached: certified/time-stamped copy of appeal

Send to
PENNDOT
Discrepancy Unit
P.O. Box 68615
Harrisburg, PA 17106

**PLEASE NOTE: USE THIS FORM ONLY IF YOUR LICENSE IS IN JEOPARDY OF
SUSPENSION, REVOCATION OR DISQUALIFICATION - NOT FOR REMOVAL OF
POINTS, EXAMS OR HEARINGS.**