

INFORMATION SHEET
for
APPEALS “NUNC PRO TUNC”

The directions within this Information Sheet provide general information about the law and appeal “Nunc Pro Tunc” process designed to help filers address their own legal needs. But general legal information is not the same as legal advice (which is the application of the law to an individual’s specific circumstances). Although we go to great lengths to ensure our information is accurate and useful, we recommend you consult a lawyer if you want professional assurance that our information, and your interpretation of it, is appropriate to your particular situation. We cannot and will not provide legal advice and to do so would be considered the unauthorized practice of law in this Commonwealth – which is a serious crime.

1. Complete the entire application form for “Petition to Appeal *Nunc Pro Tunc*”. The Clerk of Courts/Court Administration cannot assist you in the drafting or completing this form. Failure to include all required information may result in the Petition being rejected by the Court. In such an event, you will need to re-file your Petition. There is a filing fee each time you file this Petition. As such, you are encouraged to consult an attorney or review the Rules of Criminal Procedure;
2. Make 3 copies of your Petition;
3. Bring all three (3) copies of your Petition plus the Original Petition to the Office of Court Administration(Third Floor) between the hours of 9:00 a.m. - 4:00 p.m.
4. Take the copies of your Petition plus the Original Petition to the Clerk of Courts Office, which is located on the second floor of the Court House;
5. Pay the filing fee of \$----- (Please see current fee schedule). If you do not think that you can afford the filing fee, you may file a Petition to Proceed in Forma Pauperus (IFP) which is separate form you must complete;
6. Return one copy to Office of Court Administration; and,
7. Serve one copy upon the Office of District Attorney (1st Floor) and have your copy marked "Received" by that office.

COMMONWEALTH OF PENNSYLVANIA

v.

: IN THE COURT OF COMMON PLEAS
: LUZERNE COUNTY,
PENNSYLVANIA :

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APPELLANT

: CRIMINAL MATTER-SUMMARY APPEAL

PETITION TO APPEAL NUNC PRO TUNC

1. Appellant, _____, who resides at the following address: _____, in the City/Borough/Township of: _____; State: _____; Zip Code: _____; Telephone No. _____; Email: _____;

hereby requests the Court's permission to file an Appeal after the 30-day appeal period has expired (Appeal "Nunc Pro Tunc") of the following citation(s) which were adjudicated by the Magisterial District Judge: _____ as follows:

Citation No./OTN	Issue Date	Badge No.	Offense	Disposition date	Disposition	Date of Order Appealed
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2. The filing party (Appellant) **MUST CAREFULLY READ** and **LEGALLY SATISFY** the requirements set forth in this Paragraph #2 in order for the Court to even consider such a Petition. Failure to properly set forth legally sufficient facts and circumstances as described below will likely result in the dismissal of this Petition.

According to the Rules of Procedure, an Appeal from Summary Convictions must be filed within thirty (30) calendar days of the date of a guilty plea, or finding of guilty (conviction) or issuance of a final order by the Magisterial District Judge. Petitions for permission to file an Appeal **after** the 30-day appeal period has expired (Appeal "Nunc Pro Tunc") **can ONLY be granted if Appellant alleges and proves that: (1) that the delay in filing the appeal was caused by extraordinary circumstances involving ineffectiveness of legal counsel, OR, fraud or wrongful or negligent act of a court official; AND (2), that Appellant acted promptly in filing the Appeal after learning of the existence of the fraud**

or wrongful or negligent act of a legal counsel or court official. **THOSE TWO VERY LIMITED CIRCUMSTANCES ARE THE ONLY BASIS FOR ALLOWING A NUNC PRO TUNC APPEAL!!** Individual or personal circumstances are NOT a basis for granting a Nunc Pro Tunc Appeal. In support of the request for permission to Appeal *Nunc Pro Tunc*, Appellant **MUST** completely set forth the allegations of fraud, wrongful or negligent acts committed by a **legal counsel** or **court official**, as well as exactly when this information was discovered (Attach exhibits and additional pages if needed). The Appellant hereby sets forth those matters:

I hereby verify that the statements made in this Petition are true and correct. I understand that any false statements herein are made subject to the criminal penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities, and that conviction of such an offense could result in a fine, court costs and possible imprisonment.

Date: _____

Appellant's Signature

COMMONWEALTH OF PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS
: LUZERNE COUNTY,
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v.

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APPELLANT

: CRIMINAL MATTER-SUMMARY APPEAL

COURT ORDER

AND NOW, to wit, this _____ day of _____, 20____,
a Hearing on the within Petition to Appeal Nunc Pro Tunc is scheduled for the _____ day
of _____, 20____, at _____ AM/PM, in Courtroom No.
_____, at the Luzerne County Court House, 200 N. River Street, Wilkes-Barre, PA 18711.

BY THE COURT:

, Judge

Distribution:

Clerk of Courts
District Attorney's Office
Court Administration
Appellant, address:

COMMONWEALTH OF PENNSYLVANIA

v.

APPELLANT

: IN THE COURT OF COMMON PLEAS
: LUZERNE COUNTY,
PENNSYLVANIA :
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:
: CRIMINAL MATTER-SUMMARY APPEAL

COURT ORDER

AND NOW, to wit, this _____ day of _____, 20____,

upon consideration of the Petition of above-named Appellant for leave to appeal *Nunc Pro Tunc* from the prior Adjudication and Order made by Magisterial District Judge _____, under date of _____,

IT IS HEREBY ORDERED that the time for filing an appeal in this matter is extended and Appellant is permitted to appeal Nunc Pro Tunc from the said adjudication, and such appeal **MUST** be filed no later than twenty (20) days from the date hereof.

BY THE COURT:

, Judge

Distribution:

Clerk of Courts
District Attorney's Office
Court Administration
Appellant, address: _____
