

# Tioga County Self Help Kit



## HOW TO FILE A SUMMARY APPEAL

### Disclaimer

Neither the staff in Court Administration nor the staff in any Court office will be able to give you legal advice or help you fill out/complete these forms. The information in the packets is not to be a substitute for 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 North Penn Legal Services at 1-877-953-4250.

## 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 Tioga 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 blanket Summary Appeal form is included in this packet. To file your appeal, you must properly complete the Summary appeal form and 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, cashier's check or money order at the time of submission to the Clerk of Courts. No personal checks are accepted.

- Make money orders payable to the Tioga County Clerk of Courts; 118 Main Street, Wellsboro PA 16901.

To complete the Appeal petition you will need information found on your Citation you received at the time of the alleged offense. The following are clarifications on other requested information on the form

- "Appeal from sentence of.....enter the sentence the MDJ issued.
  - "Affiant" is the officer who made the arrest.
  - "Issuing authority" is the MDJ
  - Only enter "attorney" information if you decide to hire a defense attorney.
3. If one defendant has one or more Citations heard and one hearing before a Magisterial District Judge, the Citations must be submitted on separate forms. 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 of Courts Office.
  4. Take completed Summary Appeal form to the Prothonotary/Clerk of Courts office to get the form docketed and time stamped.
  5. Bring your completed form(s) to the Court Administrator's office so a hearing date can be scheduled.

6. Serve copies of your Summary Appeal on the appropriate parties.

- To notify PennDOT of your appeal from a motor vehicle conviction, mail certified appeal copy to:

Pennsylvania Department of Transportation  
Bureau of Licensing  
Discrepancy Unit  
PO Box 68615  
Harrisburg, PA 17106

### **Hearing Procedure:**

1. Hearing dates are set by the Court Administrator's office. A Notice of a hearing date will be mailed to you at your residence. Hearings are held on the 2<sup>nd</sup> floor of the Tioga County Courthouse at 118 Main Street, Wellsboro, Pennsylvania. 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. Upon entering the courthouse, you should proceed to the courtroom and check in with the bailiff.
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." 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:**

1. 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.
2. 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 Tioga 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 Court Treasurer's Office, those payments will be refunded to you by the Tioga County Treasurers Office.

3. Upon disposition of your appeal, you will be billed for your fines and costs, and a copy of the Sentencing Order signed by the Common Pleas Judge will be mailed to you or 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 to up to six months before your hearing, complete the attached application and send it to PennDOT at the address shown on the application.

PLEASE NOT 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 hearing.
4. Mail a **certified/time stamped** copy of your Summary Appeal to:

Pennsylvania Department of Transportation  
Bureau of Licensing  
Discrepancy Unit  
PO Box 68615  
Harrisburg, PA 17106

## Filling Out the Appeal Form:

1. Appellant (person charged) must list full name and current mailing address. You may also add the following helpful information: date of birth, phone #, operator license number, and social security number.
2. Information from Citation or Complaint:
  - a. DATE of citation from Police Officer or date complaint signed by private citizen.
  - b. Issuing Authority DOCKET NUMBER (TR# or NT#).
  - c. CITATION NO. (as it appears on the citation).
  - d. MAGISTERIAL DISTRICT NO (ex. 04-3-03, 04-3-02, 04-3-01)
3. Complete:
  - a. Appeal from sentence of (ex. paying fines and costs, motor vehicle violation, points, etc.)
  - b. Fill in date of sentence (MDJ Hearing) or date you were found guilty. (Appeal must be filed NO LATER than 30 days from date of sentence).
  - c. List nature of charge (ex. speeding, stoplight, passing school bus, etc.)
4. Complete name and address of affiant. (The affiant is the person who filed complaint or citation)
  - a. Police Officer: Name and address of the Borough or Township to which he is associated.
  - b. State Trooper: Name and address of the barracks to which he is assigned.
  - c. Private Citizen: Name and mailing address.

If this information is not on the papers in your possession you should contact the Magisterial District Justice Office to get this information.

5. Complete:
  - a. List the amount of fines and costs, if any, paid to the Magisterial District Court. Please write "NOT PAID" if nothing has been paid.
  - b. List amount of bail if any.
6. Complete name and address of Issuing Authority (Magisterial District Justice) who heard the case and rendered his/her decision.
7. Complete Attorney information if at the time of your appeal you expect to have an attorney represent you; if not write "NONE".
8. A separate document titled "Civil Cover Sheet" must be prepared and submitted at the same time the appeal is filed.
  - Commencement of Action is PETITION
  - The Lead Defendant's Name is THE COMMONWEALTH OF PA
  - No monetary damages requested
  - Not a Class Action Suit
  - Is this an MDJ Appeal??
  - Check the box indicating you are Self-Represented
  - Nature of the case is MISCELLANEOUS---- SUMMARY APPEAL

IN THE COURT OF COMMON PLEAS OF TIOGA COUNTY, PENNSYLVANIA

NOTICE OF APPEAL FROM SUMMARY CONVICTION

Name and Address of Appellant
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Date of Appeal: \_\_\_\_\_
Issuing Authority Dkt. No. \_\_\_\_\_
Citation No. \_\_\_\_\_
Magisterial District No. \_\_\_\_\_

Date of District Justice Sentence: \_\_\_\_\_ for Offense(s) \_\_\_\_\_

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

Name and mailing address of affiant/prosecutor as shown on citation or complaint (arresting officer)
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Name and address of issuing authority (District Justice)
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

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

Name and address of attorney for defendant, if any:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

I hereby acknowledge personal service of a copy of this notice scheduling a SUMMARY COURT HEARING before the Judge of Tioga County, on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_M. in the Main Courtroom of the Tioga County Courthouse, 118 Main Street, Wellsboro, Pennsylvania. If I cannot attend this scheduled hearing, I will seek a continuance. If a continuance is not granted, I will notify the District Attorney of continuance in writing. Should I secure the services of counsel, I will notify said counsel of this hearing and advise counsel that he must enter an appearance for me to receive hearing notices.

Sworn to and subscribed before me

This \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Appellant/Attorney

MARIE Y. SEYMOUR, CLERK OF COURTS
Tioga County, Pennsylvania

My term expires: 1st Monday of January \_\_\_\_\_.

SERVICE

District Attorney: \_\_\_\_\_ \*Issuing Authority: \_\_\_\_\_

\*Affiant: \_\_\_\_\_

NOTE: \*Service, the above date unless otherwise specified and by Certified mail, Return Receipt Requested.

**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 #: \_\_\_\_\_

Common Pleas Case #: \_\_\_\_\_

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

Signature: \_\_\_\_\_

Attached: Certified/Time-stamped copy of Appeal

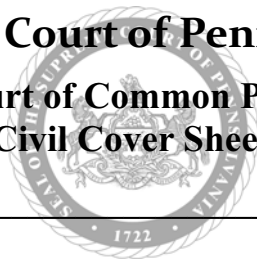
Send to:

PENNDOT  
Discrepancy Unit  
PO Box 68615  
Harrisburg, PA 17106

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

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet



County \_\_\_\_\_

*For Prothonotary Use Only:*

Docket No: \_\_\_\_\_

TIME STAMP

*The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.*

SECTION A

**Commencement of Action:**

- Complaint       Writ of Summons       Petition  
 Transfer from Another Jurisdiction       Declaration of Taking

Lead Plaintiff's Name: \_\_\_\_\_

Lead Defendant's Name: \_\_\_\_\_

Are money damages requested?  Yes  No

Dollar Amount Requested:  within arbitration limits  
(check one)  outside arbitration limits

Is this a *Class Action Suit*?  Yes  No

Is this an *MDJ Appeal*?  Yes  No

Name of Plaintiff/Appellant's Attorney: \_\_\_\_\_

**Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)**

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- Intentional  
 Malicious Prosecution  
 Motor Vehicle  
 Nuisance  
 Premises Liability  
 Product Liability (does not include mass tort)  
 Slander/Libel/ Defamation  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MASS TORT**

- Asbestos  
 Tobacco  
 Toxic Tort - DES  
 Toxic Tort - Implant  
 Toxic Waste  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PROFESSIONAL LIABILITY**

- Dental  
 Legal  
 Medical  
 Other Professional: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CONTRACT** (do not include Judgments)

- Buyer Plaintiff  
 Debt Collection: Credit Card  
 Debt Collection: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Employment Dispute:  
 Discrimination  
 Employment Dispute: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

**REAL PROPERTY**

- Ejectment  
 Eminent Domain/Condemnation  
 Ground Rent  
 Landlord/Tenant Dispute  
 Mortgage Foreclosure: Residential  
 Mortgage Foreclosure: Commercial  
 Partition  
 Quiet Title  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CIVIL APPEALS**

- Administrative Agencies  
 Board of Assessment  
 Board of Elections  
 Dept. of Transportation  
 Statutory Appeal: Other  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Zoning Board  
 Other:  
 \_\_\_\_\_  
 \_\_\_\_\_

**MISCELLANEOUS**

- Common Law/Statutory Arbitration  
 Declaratory Judgment  
 Mandamus  
 Non-Domestic Relations  
 Restraining Order  
 Quo Warranto  
 Replevin  
 Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## NOTICE

**Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:**

**Rule 205.5. Cover Sheet**

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at [www.pacourts.us](http://www.pacourts.us).