

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

Commonwealth of Pennsylvania vs. TRIAL DIVISION - CRIMINAL

Petitioner/ Defendant : CP-51-MD- - - - - - - - - - - 201_

PETITION SEEKING PERMISSION TO APPEAL NUNC PRO TUNC

1) I, _____, am the Petitioner. I reside at the following address: _____, City: _____; State: _____; ZIP CODE: _____.

2) I understand that Appeals from Philadelphia Municipal Court Traffic Division decisions must be filed within thirty days of the date of the guilty plea, conviction or issuance of a final order. I understand that I need permission of this Court to allow me to file a late appeal ("appeal nunc pro tunc") after the expiration of this thirty day period.

3) I understand that permission to file a late appeal can only be granted if I, as the Petitioner, allege and prove either: (Attach additional pages if needed)

[] that the delay in filing the appeal was caused by extraordinary circumstances involving fraud or wrongful or negligent act of a court official. Please provide the name of the court official and describe the wrongful or negligent act in as much detail as possible:

[] that the delay in filing the appeal was caused by "non-negligent happenstance" or unique and compelling factual circumstances. Please state in detail the non-negligent and unique facts that prevented you from filing a timely appeal:

4) I understand that I need to prove that I acted promptly ("proceeded with reasonable diligence") in filing this Petition after learning of the existence of the fraud or wrongful or negligent act of a court official or the non-negligent unique and compelling factual circumstances. Please provide the date when you discovered the wrongful or negligent act or non-negligent happenstance and explain why you did not file the Petition until now:

5) I request the Court's permission to file an Appeal of the following citations which were adjudicated by the Philadelphia Municipal Court Traffic Division as follows:

Citation No. Issue Date Badge No. Offense Date of Adjudication

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: _____ Petitioner/Defendant's Signature

vs.

HEARING NOTICE
PETITION SEEKING PERMISSION TO APPEAL NUNC PRO TUNC

A hearing is scheduled for _____, at **10:30 AM**, in Courtroom **D**, 800 Spring Garden Street, Philadelphia, PA 19123 to permit the Petitioner to present evidence in support of the Petition Seeking Permission to Appeal Nunc Pro Tunc.

It is further ORDERED and DECREED as follows:

- 1) The Office of Judicial Records must serve a copy of this Hearing Notice and a copy of the Petition Seeking Permission to Appeal Nunc Pro Tunc on the District Attorney's Office.
- 2) Pennsylvania Rule of Criminal Procedure 575 does not require that a written Answer be filed to this Petition by the Commonwealth. An oral response may be offered at the hearing.
- 3) **Petitioner's failure to appear on the above date will result in a denial or dismissal of this petition.**

FOR THE COURT:

Date: _____

FOR COURT USE ONLY

ORDER

AND NOW, this ____ day of _____, 201__, upon a review of the *Petition Seeking Permission to Appeal Nunc Pro Tunc*, it is hereby ORDERED that:

- The Petition is **DENIED**.
- The Petition is **DENIED**, the Defendant having failed to Appear.
- The Petition is **DISMISSED**, the Defendant having failed to Appear.
- The Petition is **WITHDRAWN** by Petitioner.
- The Petition is **GRANTED**. The Petition is **NOT OPPOSED** by the Commonwealth of Pennsylvania.

As to the Citation(s) listed below ONLY, provided that the Defendant files a *Notice of Appeal from Summary Conviction (Traffic) - Nunc Pro Tunc* **within thirty (30) days of today's date** at the Philadelphia Municipal Court Traffic Division, 800 Spring Garden Street, Philadelphia, PA 19123. **Petitioner cannot file** a *Notice of Appeal from Summary Conviction (Traffic) - Nunc Pro Tunc* after this thirty (30) day period. **Citation Number(s):**

BY THE COURT:

Honorable J.