

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

**Commonwealth of Pennsylvania** : **TRIAL DIVISION - CRIMINAL**  
vs. :  
: **Motion Control**  
: :  
\_\_\_\_\_ : **No.** \_\_\_\_\_  
**Defendant/Petitioner**

**PETITION FOR DISPOSITION ONLY**  
**Waiver of Presence of Law Enforcement Officer and Statute of Limitations**  
**(This Form May Only Be Used If It Is Filed Within One Year Of Guilty Plea Or Conviction)**

1) Defendant, \_\_\_\_\_, who resides at the following address: \_\_\_\_\_, City: \_\_\_\_\_; State: \_\_\_\_\_; ZIP CODE: \_\_\_\_\_ files this Petition after the expiration of the 30-day appeal period, with the agreement of the District Attorney, agrees to waive the statute of limitation and waive the presence of the law enforcement officer who issued the citation(s) and requests that Defendant be permitted to plead to the citations listed hereunder, as more fully set forth below:

Citation No.	Issue Date	Badge No.	Offense	Disposition Date	Disposition	Date of Order Appealed
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**Check Here If Additional Citations Are Being Appealed. Attach List.**

2) I understand that Appeals from Traffic Court decisions must normally be filed within thirty days of the date of guilty plea or conviction, and that a Defendant has no right to appeal unless the Court grants a **Petition to Appeal Nunc Pro Tunc** in which an Appellant must prove that: (1) the delay in filing the appeal was caused by extraordinary circumstances involving fraud or wrongful or negligent act of a court official; and (2) Appellant acted promptly in filing the Appeal after learning of those factors. I understand that if I file a **Petition to Appeal Nunc Pro Tunc** and fail to prove these required facts, I would have no right to appeal at all and that my Traffic Court convictions would stand without any modification or reduction of charges.

3) I understand that I have an option. The District Attorney has agreed that I may file this Petition , if I in turn **agree** that: **I waive my right** to file a *Petition To Appeal Nunc Pro Tunc*; I will not seek a trial; I will waive the presence of the law enforcement officer(s) who issued the citation(s); and I will not raise the Statute of Limitations as a defense. I choose this option because I do not believe that I can prove the requirements for a **Petition to Appeal Nunc Pro Tunc** as stated above. I verify that I have read, understand and agree with the information contained herein and in the section titled **IMPORTANT NOTICE** on the reverse side of this **Petition, and voluntarily waive my right to file a Petition To Appeal Nunc Pro Tunc and to instead file this Petition.**

I acknowledge that I am merely being provided an opportunity to enter into a plea agreement with the District Attorney's office which plea agreement will then be offered to the Court for approval. I understand that if the District Attorney's office refuses to enter into a plea agreement with me, the Court will not accept my offer to plead guilty to a lesser offense, and I further agree that the Court will enter an Order denying this Petition.

**BY SIGNING BELOW I AGREE TO ALL OF THE CONDITIONS SET FORTH IN THIS PETITION.**

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: \_\_\_\_\_

\_\_\_\_\_  
**DEFENDANT'S SIGNATURE**

Commonwealth of Pennsylvania vs. \_\_\_\_\_

Motion Control No. \_\_\_\_\_

**SCHEDULING NOTICE**

On \_\_\_\_\_, at \_\_\_\_\_ AM/PM, in Courtroom \_\_\_\_\_, Criminal Justice Center, 1301 Filbert Street, Philadelphia, PA. 19102 the Defendant/Petitioner will have an opportunity to enter into a plea agreement with the District Attorney's office in connection with the citations listed on the reverse side of this Petition. **NO HEARING WILL BE HELD BY THE COURT.** If a plea agreement is reached, the Court will be asked to approve the plea agreement and enter an appropriate Order. If no plea agreement is reached, the Court will deny this Petition.

**DEFENDANT/PETITIONER PLEASE NOTE:**

**YOUR PETITION WILL BE DISMISSED IF YOU FAIL TO APPEAR .  
THE PETITION WILL NOT BE RESCHEDULED .  
RECEIPT OF THIS COPY OF THE NOTICE OF APPEAL IS YOUR PERSONAL SERVICE.  
NO OTHER NOTICE WILL BE PROVIDED.**

**FOR THE COURT:**

Date: \_\_\_\_\_

**IMPORTANT NOTICE  
Commonwealth of Pennsylvania/District Attorney's Position**

**A Defendant who seeks to appeal citations disposed more than 30 days BUT less than one (1) year after a guilty plea or conviction must choose whether to file a Petition To Appeal Nunc Pro Tunc or a Petition for Disposition Only, and may not file both, either at the same time or serially, in connection with the same citation.**

The *Commonwealth of Pennsylvania*, through the District Attorney's office, will not oppose the filing of a **Petition for Disposition Only** and will not require that the Defendant prove that (1) the delay in filing the appeal was caused by extraordinary circumstances involving fraud or wrongful or negligent act of a court official; and that (2) Defendant acted promptly in filing the **Petition** after learning of the existence of the fraud or wrongful or negligent act of a court official, provided the **Petition for Disposition Only** is filed within one year after the entry of a guilty plea or conviction **and** Defendant waives the presence of the law enforcement officer(s) who observed the offense(s) which are the subject of the within Petition **and** Defendant further agrees to not raise the statute of limitations as a defense to any citation listed in this Petition.

The mere filing of the **Petition for Disposition Only** does not mean that the District Attorney's office will enter into a plea agreement. Rather, the Defendant is merely provided an opportunity to enter into a plea agreement with the District Attorney's office, and, if a plea agreement is reached, the plea agreement will be presented to the Court for approval. However, if the District Attorney's office refuses to enter into a plea agreement, after a review of the facts of the case and Defendant's driving record, Defendant understands and agrees that this Petition will be denied by the Court.

**Defendant understands and agrees that NO HEARING WILL BE HELD BY THE COURT. The Court will not entertain Defendant's offer to plead to a lesser offense unless the District Attorney's Office agrees to a plea agreement.**