

Dauphin County Courthouse
101 Market Street
Harrisburg, Pennsylvania 17101
Phone: (717) 780-6530

OFFICE OF THE CLERK OF COURTS

Dale E. Klein
Clerk of Courts

IMPORTANT INFORMATION REGARDING YOUR SUMMARY APPEAL HEARING & PAYMENT OF FINES AND COSTS

THE \$75 FILING FEE IS NON-REFUNDABLE, regardless of the outcome of your hearing at the Common Pleas Court. If your appeal is sustained (Not Guilty) you will owe no further costs and may be entitled to a refund of any monies paid at the Magisterial District Court. If your appeal is denied and/or citation is amended by the Common Pleas Court, you will be assessed the following: \$35 Clerk of Court fee, \$5.00 Automation fee, \$11.00 Postage Fee, \$10.00 District Attorney Fee, and \$12.00 PennDot Certification Fee for each offense upon final disposition which is in addition to any fees, fines and costs that may be imposed by the judge presiding over your appeal.

Act No. 1994-95 and Act No. 1994-115 authorize this department to notify The Bureau of Driver Licensing if you fail to pay fines and/or costs. Upon receipt of such notification, The Bureau of Driver Licensing will suspend your operating privileges and will not restore them until it is notified that all fines and costs have been paid.

If the defendant's appeal is **DENIED/ MODIFIED** in the Court of Common Pleas, all unpaid costs and fines will be pursued by the Common Pleas Court.

If the defendant is found **NOT GUILTY** in the Court of Common Pleas, the Clerk of Courts will refund any monies paid at the Magisterial District Court level.

We will notify The Bureau of Driver Licensing of any modification to the sentence imposed by the Magisterial District Court. Any points involved will be adjusted by Harrisburg. It is the Court's responsibility to notify the Bureau of Driver License of any unpaid accounts within 30 days of your court date. Upon receipt of our notification, your driving privileges may be suspended.

****The personnel in the Clerk of Courts Office are not permitted to give legal advice and since the completion of this Appeal form would constitute legal advice, we are not able to assist you in the filling out of this appeal form. Should you have any questions on filling out the appeal form after you have read the following instructions, you will have to seek the advice of an attorney.**

INSTRUCTIONS FOR FILING APPEAL FROM SUMMARY CONVICTIONS

A. Costs. -ALL payments received by the clerk of court's office must be in cash, or by certified check or money order. Personal checks are **not** accepted. Make certified checks or money orders payable to: DAUPHIN COUNTY CLERK OF COURTS send with Completed Appeal form to CLERK OF COURTS, DAUPHIN COUNTY COURTHOUSE, 101 MARKET STREET, HARRISBURG, PA 17101 or file in person at the Clerk of Courts office located on the second floor of the Dauphin County Courthouse between the hours of 8:00 a.m. and 4:30 p.m.

For each appeal filed, there is a \$ **75** **FILING FEE (NON-REFUNDABLE)**. When an appeal is filed with 2 or more citations, as long as they were issued at the same time and by the same Police Officer, they will be considered **ONE Appeal (they may be filed on one form)**.

This is a **PRE-HEARING HANDLING COST AND NOT RETURNABLE**. Relief from paying this fee can be obtained by having a Court Order signed and approved by the Judge, declaring the person filing the appeal "a Pauper". If you wish to proceed "In Forma Pauperis", you must complete an application. **Filing for IFP does not toll the 30 day period in which you have to appeal the MDJ decision.** As such, it is recommended that you file for IFP as soon as possible.

B. This appeal must be filed within 30 days from the date of the Magisterial District Justice Hearing and/or the Magisterial District Justice decision. The 30 days include Saturdays, Sundays and Holidays. This office must receive the appeal on or before the 30th day for the appeal to be considered timely filed. (SEE RULE OF CRIMINAL PROCEDURE NO. 460)

FILLING OUT 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 # (include the State) and social security number (last four digits).

#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 appears on the citation)
- d. MAGISTERIAL DISTRICT NO. (i.e. 07-1-01, 07-1-02, etc.)

*Please be advised that the Clerk of Courts Office will not have the above information. You must obtain this information from the citation or obtain a copy of the citation from the issuing magistrate. Further information regarding your case(s) and offenses to include the Offense Tracking Number (OTN) can be found on the case docket sheets available at the PA Unified Judicial System's website at the following link - <http://ujportal.pacourts.us/> . See "Reference Guides" on the menu bar located on the left side of the screen for information on how to navigate to both the Magisterial District and Common Pleas Court case docket sheets.

#3. Complete:

- a. Appeal from sentence of : i.e. paying fines and costs, Motor Vehicle violation, time in prison, points
- b. Fill in date of sentence (M.D.J. 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 – i.e. speeding, stoplight, passing school bus, etc.

#4. Complete Name and address of affiant. The affiant is 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 the address of the barracks to which he is assigned.
- c. Private citizen: Name and mailing address.

If this information is not on papers in your possession you should contact the Magisterial District Justice Office to get this information or some of this information can be found on the case docket sheets available at the PA Unified Judicial System's website at the following link - <http://ujportal.pacourts.us/> . See "Reference Guides" on the menu bar located on the left side of the screen for information on how to navigate to both the Magisterial District and Common Pleas Court case docket sheets.

#5. Complete:

a. List the amount of fines and costs, if any, paid to the Magisterial District Court. Mark "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".

C. Mail or hand-deliver your completed appeal form with the \$75 filing fee to the Clerk of Courts Office at 101 MARKET STREET, HARRISBURG, PA 17101. Or file in person Monday through Friday from 8:00 a.m. to 4:30 p.m.

Your appeal will be clocked in, issued a docket number, and a copy returned to you. Please provide a Self-addressed, stamped envelope to expedite the return of your filing. A certified copy will be issued to you if your appeal is from a motor vehicle conviction.

D. The COURT ADMINISTRATION OFFICE sets a hearing date – approximately two to four months from the date that your appeal is perfected.

E. If defendant wishes to Withdraw the Appeal, he/she must do so PRIOR to the hearing date. There is no refund from this \$75 filing fee.

F. At the conclusion of the hearing, depending on the outcome, the defendant will be billed the entire amount of costs and fines owed and/or issued a refund from any monies paid to the Magisterial District Court.

G. If payment is not received within 30 days of the scheduled hearing date, this office will notify the PA Department of Transportation, and they will suspend your license until notified by this office of compliance with a payment plan or that all costs and fines have been paid in full.

H. The Court of Common Pleas will notify PennDOT of any changes to the Magisterial District Justice's Original Decision.

◆ TO NOTIFY PENNDOT OF YOUR APPEAL FROM A MOTOR VEHICLE CONVICTION :

Mail Certified Appeal Copy to:
Pennsylvania Department of Transportation
Correspondence Unit
P.O. Box 68618
Harrisburg, PA 17106

***Attach a "Request for Delay of Suspension/revocation/Disqualification of Pennsylvania Driver's License" available at the Clerk of Courts Office along with a certified copy of your Summary Appeal.**

If you have any questions about your driving record or the Pennsylvania Point System, please call PennDOT at : 1-800-932-4600