

To the Defendant:

*Please read and then review the following information with your lawyer. It explains the rights you have following sentencing. If you do not understand anything contained on this document, ask your lawyer or the sentencing judge to explain it to you. **Do not sign this document until you understand it fully.***

**IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :

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v.

No(s):

Defendant

**IMPORTANT POST-SENTENCE INFORMATION
FOLLOWING GAGNON II HEARING**

1. After you are sentenced, you have the right to file a motion to modify sentence and/or an appeal to the Superior Court of Pennsylvania.

2. If you wish to file a motion to modify sentence, it must be filed with the Clerk of Courts-Criminal for Lehigh County no later than 10 days after the imposition of sentence.

3. If you wish to file only a direct appeal to the Superior Court, a Notice of Appeal must be filed with the Clerk of Courts-Criminal for Lehigh County within 30 days of imposition of sentence. This is a right of appeal which you may exercise without filing a post-sentence motion. **The filing of a motion to modify sentence will not toll the 30-day appeal period.**

4. Regardless of whether you file a motion to modify sentence, all issues properly raised at sentencing are preserved for appeal.

5. You have the right to assistance of counsel in the preparation of a motion to modify sentence or an appeal. If you are truly indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and you continue to qualify for their services, then that office would continue to represent you without cost.

6. Do you understand that if you are represented by defense counsel, if you do not file a post-sentence motion or an appeal, that lawyer's representation of you will terminate in 30 days?

7. Do you agree to appear for your court hearing by advanced communication technology such as Zoom, WebEx, Polycom, etc. (on a computer) instead of physically being in the courtroom in front of the judge?

Yes _____ No _____

I AFFIRM THAT I HAVE READ THE ABOVE INFORMATION COMPLETELY, THAT I UNDERSTAND ITS FULL MEANING, AND THAT I HAVE BEEN GIVEN A COPY OF THIS DOCUMENT FOR MY RECORDS AND REVIEW.

Signature of Defendant

DATED: _____

I, _____, Attorney for the above-captioned defendant, state that I have advised my client of the meaning of this document and of his/her right to file a motion to modify sentence and to appeal; that it is my belief that the defendant comprehends and understands those rights and what is set forth herein; and that the defendant has received a copy of this form.

Attorney for Defendant



LEHIGH COUNTY ADULT PROBATION AND PAROLE
COURT OF COMMON PLEAS
THIRTY-FIRST JUDICIAL DISTRICT
455 WEST HAMILTON STREET
ALLENTOWN, PENNSYLVANIA 18101-1614

PAMELA S. SHEFFER
CHIEF

PHONE (610) 782-3933
FAX (610) 871-2784

NAME: _____

CASE NUMBER(S): _____ LCID#: _____

The Court of Common Pleas of Lehigh County has granted you _____ effective _____

Listed below are the rules and regulations you are required to follow.

1. You shall follow all verbal and written instructions and report in person at such times and places as instructed by your supervising officer.
2. _____ is your approved residence and may not be changed without permission from your supervising officer. Any change must be reported within 72 hours prior to moving and shall be verified.
3. You shall not leave the Commonwealth of Pennsylvania unless permission has been granted by your supervising officer. If you are arrested in another state while under supervision of the Lehigh County Adult Probation Department, you agree to return to PA at any time you are directed by PA or the receiving state. You may have a constitutional right to insist that PA extradite you from the receiving state or any other state where you may be found. This is commonly called the right to extradition. You also understand and acknowledge that you have agreed to return to PA when ordered to do so either by PA or the receiving state. You agree that you will not resist or fight any effort by any state to return you to PA and you agree to waive any right you may have to extradition. You waive this right freely, voluntarily and intelligently.
4. You shall obey all laws. Any arrest or citation must be reported to your supervising officer within 72 hours.
5. You shall abstain from the unlawful possession, use, or sale of illegal drugs, mood altering or synthetic substances deemed to be illegal under the laws of the Commonwealth of Pennsylvania. Prescription medication may only be taken if and as prescribed.
6. You shall undergo drug screening as directed by your supervising officer.
7. You shall obtain and maintain employment. Your supervising officer must be notified within 72 hours of any change or loss of employment.
8. You shall not possess, discharge or have any contact with any firearm or deadly weapon; hunting is prohibited.
9. You shall not behave in a manner which threatens or presents a danger to yourself or others.
10. You shall make all payments on your costs, fines, and restitution.
11. You shall permit the search of your person, property and residence without a warrant if reasonable suspicion exists by the Lehigh County Adult Probation Department in accordance with 42 PA Cons Stat Section 9912 (2014), to ensure your compliance with the terms and conditions of your supervision. Any items, the possession of which constitutes a violation, shall be subject to seizure and may be used as evidence in the violation process.
12. You will not enter into any agreement to act as a confidential informant for any law enforcement agency without the written permission of the Lehigh County Adult Probation Department.
13. You shall obey any other conditions as may be ordered by the Court at the time of sentencing and any conditions imposed by the Lehigh County Adult Probation Department in furtherance of the trial court's conditions.
14. You shall undergo DNA testing, pursuant to Act 185 of 2004, Act 111 of 2011 and Act 147 of 2018, if applicable.

If you are arrested for a new criminal offense or violate any of the conditions of your supervision, the Lehigh County Adult Probation Department may detain you, without bail, in a correctional facility or notify the District Attorney's Office to remove you from the A.R.D. Program. If after the appropriate hearing(s) the Court decides you are in violation of any condition of your supervision, you may be re-sentenced or remanded to jail for such time as specified by the Court.

Defendant	_____	_____	_____
	Printed Name	Signature	Date
Attorney	_____	_____	_____
	Printed Name	Signature	Date